

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

Tuesday, 23 July 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, 31 July 2024 at 6.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Council

(Councillors Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Tony Dale, Mike Evemy, David Fowles, Joe Harris, Mark Harris, Paul Hodgkinson, Roly Hughes, Nikki Ind, 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, Chris Twells, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins)

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 13 - 44)**
To confirm the minutes of the meetings of Council held on 20 March 2024 and 15 May 2024.
4. **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.
5. **Public Questions**
To deal with questions from the public within the open forum question and answer session of fifteen minutes in total. Questions from each member of the public should be no longer than one minute each and relate to issues under the Council's remit. At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

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

The response may take the form of:
 - a) a direct oral answer;
 - b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
6. **Member Questions**
A Member of the Council may ask the Chair, the Leader, a Cabinet Member or the Chair of any Committee a question on any matter in relation to which the Council has powers or duties or which affects the Cotswold District. A maximum period of fifteen minutes shall be allowed at any such meeting for Member questions.

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

An answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

The following questions were submitted before the publication of the agenda:

Question 1 from Councillor Jon Wareing to Councillor Tony Dale, Cabinet Member for Economy and Council Transformation

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”.

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.

Question 2 from Councillor Dilys Neill to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

Here is a quote from the submitted Neighbourhood development plan for Stow & The Swells

MAIN PLANNING ISSUES

- 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 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, 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?

Question 3 from Councillor Chris Twells to Councillor Mike Evemy, 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.

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?

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?

Question 6 from Councillor David Fowles to Councillor Joe Harris, Leader of the Council

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 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?

Question 7 from Councillor Tom Stowe to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

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?

Question 8 from Councillor Jeremy Theyer to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

At a recent Audit and Governance Committee meeting, concerns were raised around Gas Safe and Electrical Safety 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?

Question 9 from Councillor Julia Judd to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

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.

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.

Have any of the interested parties come forward with a viable scheme which can be taken forward?

Question 10 from Councillor Gina Blomefield to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

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?

Question 11 from Councillor Daryl Corps to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

What is the status of the Moreton-in-Marsh Working Group set-up in respect to the Local Plan update?

Question 12 from Councillor Tony Slater to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

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.”

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 enforcement team faces huge challenges in providing an effective service across the district due to a critical lack of resources.

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.

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?

Question 13 from Councillor Gina Blomefield to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

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.

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.

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.

When do you plan to provide this important training on the new planning protocol to the Town and Parish Councils?

Question 14 from Councillor David Fowles to Councillor Joe Harris, Leader of the Council

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?

Question 15 from Councillor Andrew Maclean to Councillor Mike McKeown, Cabinet Member for Climate Change and Sustainability

(Submitted after the deadline for a guaranteed written response before the meeting)

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.

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 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?

7. Publica Review - Detailed report (Pages 45 - 102)

Purpose

To consider the Detailed Transition Plan, to note its content and to approve the recommendations therein.

Recommendations

That, subject to the resolutions of Cabinet on 25 July 2024, Full Council resolves to:

- I. Approve the implementation of Phase I of the Publica Transition based on the

Detailed Transition Plan and the phasing for the transition.

2. Delegate 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. Delegate 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 1 of the Publica Transition.
4. 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. Note that following the decision on Phase 1, preparatory work for Phase 2 will commence and will be the subject of a separate report
6. Note 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 1.*

Section 9: Post-Transition Support:

- *Note the need for post-transition support.*

8. **Business And Planning Act 2020 - Update To Pavement Licensing Regime (Pages 103 - 122)**

Purpose

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.

Recommendation

That Full Council resolves to:

- I. Approve the draft Pavement Licensing Policy and Fees, attached at Annex A.

9. **Overview and Scrutiny Annual Report 2023/24 (Pages 123 - 154)**

Purpose

To receive the annual report of the work of the Overview and Scrutiny Committee.

Recommendation

That Full Council resolves to:

- I. Note the Annual Report of the Overview and Scrutiny Committee 2023/24.

10. **Decision taken under Urgency Powers (Pages 155 - 160)**

Purpose

To report to Full Council on a decision taken by the Chief Executive Officer under urgency powers.

Recommendation

That Full Council resolves to:

- I. Note the decision taken as set out in Annex A.

11. **Appointment and Remuneration of Independent Persons (Pages 161 - 168)**

Purpose

To appoint Independent Persons for standards matters, commence a subsequent recruitment campaign, and approve allowances payable.

Recommendations

That Full Council resolves to:

1. 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. Approve 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. Authorise 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.

12. **Appointment of a Temporary Parish Council Member to Upper Rissington Parish Council (Pages 169 - 174)**

Purpose

To agree the appointment of a temporary member of Upper Rissington Parish Council, enabling the Parish Council to become quorate and to update the appointment arrangements, allowing delegation of this function to the Director of Governance and Development (Monitoring Officer).

Recommendations

That Full Council resolves to:

1. Agree 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. Note 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. Approve 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.

13. **Notice of Motions**

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

Motion A: Cotswold Lakes

Proposer: Councillor Juliet Layton

Seconder: Councillor Mike Evemy

This Council notes the aspiration from local businesses, Town and Parish Councils, Cotswold Lakes Trust and Cotswold Tourism to change the name of the Cotswold Water Park to the Cotswold Lakes.

The area has been formed from around 50 years of gravel extraction over three counties of Gloucestershire, Wiltshire, and Oxfordshire. In 1967 the counties formed a Joint Committee which includes the three counties representation along with Cirencester Rural District Council and Cricklade and Wootton Bassett Rural District Council.

The Joint Committee named the lakes area the Cotswold Water Park, wrote a Master Plan and created in 1996 The Cotswold Water Park Society to help deliver four main aims – Access, Conservation, Leisure and Education.

The Cotswold Water Park Society became a fully registered charity in 2011 and recently changed its name to Cotswold Lakes Trust.

This Council also notes that the name Cotswold Water Park causes confusion for the many visitors who come each year and ask where the Park is, how much it costs etc. The idea of a Water Park is a single venue providing swimming, water slides, pools, play areas and provision of food outlets. It is estimated that approximately 1,000,000 come to spend leisure time in the CWP every year and most do not know that that it is a vast area of over 180 lakes with multiple land owners and businesses.

This Council believes in this unique area and the value of its lakes and landscapes for wildlife and nature and home for 35,000 wintering birds, the value of its properties for health and wellbeing for residents and visitors and the benefits of the businesses which run leisure facilities, activities on the lakes in various forms of water sports, fishing and walking, and the value of the Cotswold Lakes Trust which owns two country parks, 5 car parks, and 5 nature reserves. Natural England values the lakes highly and extended the original SSSI on 10 lakes in 1984 to 170 lakes in 2021.

This Council resolves to:

1. Agree to support the proposal of the name change from the confusing Cotswold Water Park to a clearer the Cotswold Lakes and helps to promote this change on the Council's website, Local Plan and other literature within the Council's control.
2. Continues to support our Strategy working with partners to promote and enhance the area.

14. **Next meeting**

The next meeting of Council will be held on Wednesday 25 September 2024 at 14:00.

15. **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.

16. **Decision on future regeneration of The Old Station and Memorial Cottages, Cirencester**
(Pages 175 - 196)

Purpose

To consider the Asset Plans for these buildings produced as part of the Council's Asset Management Strategy and consider disposal of these buildings in line with those Asset Plans.

Recommendations

That, subject to the resolutions of Cabinet on 25 July 2024, Full Council resolves to:

1. Agree 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. Delegate 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.

(END)

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COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Council held on Wednesday, 20 March 2024

Members present:

Nikki Ind - Chair
Gina Blomefield
Ray Brassington
Patrick Coleman
Daryl Corps
David Cunningham
Tony Dale
Mike Evemy
David Fowles
Joe Harris

Mark Harris – Vice Chair
Paul Hodgkinson
Angus Jenkinson
Juliet Layton
Andrew Maclean
Helene Mansilla
Mike McKeown
Dilys Neill
Gary Selwyn
Tony Slater

Lisa Spivey
Tom Stowe
Jeremy Theyer
Clare Turner
Chris Twells
Michael Vann
Jon Wareing
Ian Watson
Len Wilkins

Officers present:

Andrew Brown, Democratic Services Business Manager
Angela Claridge, Director of Governance and Development (Monitoring Officer)
Mandy Fathers, Business Manager for Environmental, Welfare and Revenue Service
Caleb Harris, Senior Democratic Services Officer

Ana Prelici, Democratic Services Officer
David Stanley, Deputy Chief Executive and Chief Finance Officer
Kira Thompson, Election and Democratic Services Support Assistant
Robert Weaver, Chief Executive

27 Apologies

Apologies were received from Councillors Claire Bloomer, Tristan Wilkinson, Julia Judd, Roly Hughes

The Chair noted that Councillor Mike Evemy had indicated that he was running late.

28 Declarations of Interest

None from the Members.

The Chair notified that there were a number of officers present employed by the Publica Group who would have a disclosable pecuniary interest in Agenda Item 7 and would leave the room.

The minutes of the Full Council meeting on 21 February 2024 were considered as part of the pack.

- The Chair raised one amendment on Page 10 of the document pack, that the voting record should be 25 For, 6 Abstentions, 3 Absent.
- Councillor Stowe raised on Page 17; the first bullet point should read pay instead of salary as this was more accurate of what Councillor Stowe said in his summing up of the amendment raised at the meeting.

RESOLVED: That subject to the changes being made, Full Council AGREED the minutes presented of 21 February 2024 as a true and accurate record.

Voting Record

26 For, 0 Against, 2 Abstentions, 6 Absent/Did not vote

For	Against	Abstention	Absent/Did not vote
Andrew Maclean		Gina Blomefield	Angus Jenkinson
Chris Twells		Tony Slater	Claire Bloomer
Clare Turner			Julia Judd
Daryl Corps			Mike Evey
David Cunningham			Roly Hughes
David Fowles			Tristan Wilkinson
Dilys Neil			
Gary Selwyn			
Helene Mansilla			
Ian Watson			
Jeremy Theyer			
Joe Harris			
Jon Wareing			
Juliet Layton			
Len Wilkins			
Lisa Spivey			
Mark Harris			
Michael Vann			
Mike McKeown			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Paul Hodgkinson			
Ray Brassington			
Tom Stowe			
Tony Dale			

30 Presentation of Awards for Cotswold Photo Competition

The Chair then moved to this item first ahead of the announcements from the Chair, Leader and/or Chief Executive.

The Chair noted the delight of having the photos on the wall which showcased many aspects of life in the Cotswolds. It was noted that the list of runners up and the winner along with the photos would be made available on the Council's online social media pages.

The Chair then presented the awards to the runners up:

- Jimmy Dickinson – Photo: Enjoying summer at Cotswold Water Park (Lake 86)
- Rob Mashford – Photo: Sunset over Lechlade music festival and the Thames
- Nicky Legg – Photo: The Parish Church, Cirencester, as seen from Tar Barrow

The Chair alongside the Leader of the Council then presented the winner of the photo competition Jill Bewley (Photo: Cotswold Ladies) with her prize.

31 Announcements from the Chair, Leader or Chief Executive

The Chair of the Council then provided the following announcements:

- The Chair had attended a number of events within the District which included the unveiling of the replica mosaic at Brewery Court in Cirencester, the Cotswolds Homes Interiors Business Festival and the 1st year celebration of the Cirencester Pantry, and the Moreton-in-Marsh Local Plan event.
- The Chair thanked officers for the organisation of the Cotswold Homes Interiors Business Festival and the Local Plan events happening within the District. The Chair also wished to congratulate Mary Cobbett for her work at the Cirencester Pantry for making it a success.
- The Local Plan consultation event was running until 7 April and the public were encouraged to participate.
- The Chair also encouraged Members to review the Corporate Parenting and Supporting Care Leavers Member Briefing recording and slides to see the important work and lived experiences by Gloucestershire County Council Care Leaver Ambassadors.

The Leader then gave his announcements:

- The Leader also noted the atmosphere and the Cotswold Home Interior Festival.
- The Leader wished to congratulate the winner and runners up of the Cotswold Photo Competition.
- The Leader then gave an announcement on the Local Plan Update currently taking place and made the following points:
 - The Council was required to produce a Local Plan for its area and make provision for local housing in the area.
 - The Government's targets for housing required that the District provide 3,300 new homes which was recognised as controversial in any location.
 - The current system of infrastructure was based on new development coming forward and new sites being brought forward.
 - There were genuine concerns in Moreton-in-Marsh regarding development but that there had been some speculation as to the number of houses.
 - Council Officers and Members were doing their best to provide the best to live, work and visit.

- The Council should work together to make infrastructure the best it can be.

The Leader finally noted that Councillor Jan Gronow from Cirencester Town Council had sadly passed away and paid tribute to their work within the community.

There were no announcements from the Chief Executive.

32 Public Questions

Mr Boulter asked a question in relation to the new Council Tax Bills that had been issued for 2024/25 to residents and the yearly change elements for the different preceptors and how the increases matched up in terms of the overall increase. Mr Boulter noted that he had contacted the Deputy Leader as Cabinet Member for Finance and the Revenues Team about the presentation of the bill but had not received a satisfactory response.

Councillor Harris responded on behalf of Councillor Evemy and apologised for the unsatisfactory answer received. It was confirmed that the Deputy Chief Executive would investigate and respond directly on the issue raised by email.

33 Member Questions

The Member Questions and responses can be found at the attached Annex A.

34 Publica Review- Local Partnerships Transition Plan

The Chair invited those Publica colleagues who felt that they should leave the room to do so. It was noted that an officer from the ICT team would remain in the room to support the technology, as ICT was not part of the proposed transition.

The Chair invited the Leader of Council to introduce the report.

The Leader of the Council, Councillor Joe Harris, made the following report:

- In highlighting the background, an options appraisal was undertaken to examine the future of some Council services remaining within Publica following a Local Government Association Peer Review towards the end of 2022.
- Full Council at its meeting on 22 November 2023 considered and approved the Publica Review report recommendations from Human Engine. The options appraisal from Human Engine recommended that the Council return a majority of the services from Publica to the partner councils.
- Publica would continue to deliver a number of support and customer service functions for the councils.
- The work had begun on the transition through the appointment of Andrew Pollard as the Interim Programme Director and the recruitment of Local Partnerships consultancy through the Local Government's Associations Transformation Fund to provide a bridging report to the final transition plan later in 2024.
- The use of Local Partnerships was to help set out some of the key considerations as part of the transition plan to navigate the complex requirements in transferring employees back to council employment such as governance and service design.

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- The Local Partnerships team engaged with Council staff and Publica staff and management during this process to understand the current position.
- The timescales and services set out were indicative which would feed into the transition plan based on their previous experience.

Councillor Tony Dale as seconder then reserved his right to speak.

Council noted the resource required and the complexities of the work in insourcing services back to the Council.

Council noted the uncertainties regarding the financial costs for insourcing services from Publica and the need for more financial information as part of the transition plan.

Council noted the need for the Overview and Scrutiny Committee to be involved in examining the transition plan.

Council asked about the need for the Council to be more fleet of foot in delivering services and cost savings as this was not mentioned in the report. There were also questions around customer services and procurement not being brought back in-house under the proposals and how these would be managed as key parts of the Council.

Councillor Harris noted that procurement and customer services were heavily integrated within Publica, and that this arrangement was working well. Furthermore, this current process was identifying services in the short to medium term that could be brought back to the Councils. However, the points raised around the key considerations of cost savings and service delivery would be taken onboard.

Councillor Mike Evemy joined the meeting during the debate.

Council noted the work done by customer services staff in difficult circumstances.

Council raised a number of questions during the debate, including on:

- The size of the team required to work on the transition project.
- Whether there would be a risk register for the programme?
- The role of the Interim Programme Director and the future of shared services with West Oxfordshire District Council.
- The administration of complaints addressed to the Council.
- How would climate change and environmental sustainability be considered in the absence of an officer.
- How the various roles would be set out to Members during the transition.
- The timescales of implementing phase I by October 2024.
- How staff had responded to the changes.
- The Local Government Pension Scheme.
- The confirmation of the final services to remain within Publica.

Councillor Dale as seconder then summed up and responded to the questions and points raised:

- Officers and members were keen to do the transition at pace and provide stability and security to those involved.

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- The Local Partnerships report was to provide a starting point for Members on the future services.
- There was a need for clear communication on staff impacted.
- The project was complicated by its own nature and that there were opportunities to simplify the process and maximise service delivery.
- Flexibility was noted as a key consideration, but this was alluded to in the report and was part of the process.
- Customer services was noted as one of the most transformed services within Publica and breaking this model was not seen as appropriate.
- The proposals set out for sovereign or shared services within Local Partnerships was just an indicative model and further work would be required to finalise this.
- There would be finance, human resources and legal support for the programme office with the appropriate resources such as risk registers being undertaken.
- The Chief Executives of the partner councils were responsible for the transition, but the Interim Program Director worked across all three councils to support the project.
- The work on managing complaints was being done well by customer services with the support of back-office staff.
- The issue of climate change work within the councils would be something that should be embedded in all of the Council's priorities.

Councillor Harris in summing up then made the following points:

- The councils were moving at different paces, but this difference was not a cause for concern.
- There were also conversations around working with West Oxfordshire District Council due to the historic ties between the two Councils.

The recommendations were proposed by Councillor Joe Harris and seconded by Councillor Dale.

RESOLVED: That Full Council

1. **APPROVED** the recommendations set out in the Local Partnerships report
2. **AGREED** to instruct the Interim Programme Director to prepare a detailed transition plan, building on the recommendations set out in the Local Partnerships report, for subsequent agreement by Cabinet and Council.

Voting Record

21 For, 0 Against, 9 Abstentions, 4 Absent/Did not vote

For	Against	Abstention	Absent/Did not vote
Andrew Maclean		Chris Twells	Claire Bloomer
Angus Jenkinson		Daryl Corps	Julia Judd
Clare Turner		David Cunningham	Roly Hughes
Dilys Neil		David Fowles	Tristan Wilkinson
Gary Selwyn		Gina Blomefield	
Helene Mansilla		Jeremy Theyer	
Ian Watson		Len Wilkins	
Joe Harris		Tom Stowe	

Jon Wareing		Tony Slater	
Juliet Layton			
Lisa Spivey			
Mark Harris			
Mike Evey			
Michael Vann			
Mike McKeown			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Paul Hodgkinson			
Ray Brassington			
Tony Dale			

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

The Chair then invited those Publica staff who had left the room for the previous item back into the meeting.

The Chair invited the Leader, Councillor Joe Harris, to introduce the item. In doing so, the following points were made:

- The Employee Code of Conduct was an important document that set out the principles which Council employees would act under.
- The last update to the Employee Code of Conduct had taken place in 2007 and therefore it was important that a review of the document be undertaken.
- A review of the Business Conduct Policy which Publica operates had taken place in 2023 and the document before Council was noted as aligning closely to this.
- This policy would be kept under review as services return to the Council.

Councillor Mike Evey in seconding the recommendations made the following points:

- The recognised Trade Unions which staff were represented by had endorsed the new Code of Conduct.
- There had been HR Policy updates recently with Member oversight from the HR Policies Task and Finish group led by Councillor Cunningham as part of the HR Policies Updates and this work built on that.

Council welcomed the contents of the report and specifically the inclusion of the Nolan Principles as part of the Employee Code of Conduct.

RESOLVED: That Full Council

1. AGREED to authorise the Director of Governance & Development (Monitoring Officer) to update Part E2, the Employee Code of Conduct in the Constitution.

Voting Record

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

For	Against	Abstention	Absent/Did not vote
Andrew Maclean			Claire Bloomer
Angus Jenkinson			Julia Judd
Chris Twells			Roly Hughes
Clare Turner			Tristan Wilkinson
Daryl Corps			
David Cunningham			
David Fowles			
Dilys Neil			
Gary Selwyn			
Gina Blomefield			
Helene Mansilla			
Ian Watson			
Jeremy Theyer			
Joe Harris			
Jon Wareing			
Juliet Layton			
Len Wilkins			
Lisa Spivey			
Mark Harris			
Mike Evely			
Michael Vann			
Mike McKeown			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Paul Hodgkinson			
Ray Brassington			
Tom Stowe			
Tony Dale			
Tony Slater			

36 Report on Urgent Decision

The purpose of the report was to report to Cabinet and Council on a decision taken by the Chief Executive Officer under urgency powers.

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

- The report was to note the urgent decision taken by the Chief Executive.
- Cabinet was not able to consider the version of the Corporate Plan 2024-2028 report at its meeting. As part of the Policy and Budgetary Framework, Cabinet would need to agree to recommend the Corporate Plan to Council.
- In the absence of this decision, the Chief Executive took an urgent decision to recommend to Full Council in January in consultation with the Leader and Deputy Leader.

Councillor Evely seconded the recommendation to note:

- Cabinet in hindsight would have perhaps provided a delegation to the Chief Executive to avoid the use of the powers but it was important that the urgency powers were used.

The Chair of Overview and Scrutiny Committee noted that whilst the use of the powers was accepted, an error like this should not occur again in future.

A Member suggested that opposition group leaders should be consulted on urgent decisions . The Monitoring Officer confirmed that Urgency Powers would involve consultation with the Chair of Overview and Scrutiny Committee who was required under the Constitution to be an opposition Member. The Leader accepted the point made and stated that this point would be taken up by the Constitution Working Group.

RESOLVED: That Full Council NOTED the decision taken by the Chief Executive under urgency powers.

37 Council Tax Second Home Premiums

The purpose of the report was to consider the proposals to introduce a Council Tax Premium on second homes and apply a premium to long term empty properties after one year.

The Deputy Leader and Cabinet Member for Finance, Councillor Evemy, introduced the recommendations and made the following points:

- The legislation to give councils the necessary powers had been anticipated for some time alongside the guidance for these measures.
- However, the timescale for implementation of 12 months was required to provide the formal notification for the second homes premiums. This required a Council decision before 1 April 2024 so that it could come into effect on 1 April 2025.
- The new premium for empty properties would increase the premium from 50% to 100%.
- The need for affordable housing was important and the new premiums would support this.
- Homes being maintained as second homes within the District would have a new premium of 100% Council Tax from April 2025.
- It was noted at paragraph 4.7 of the report that the purpose of the recommendations was to discourage residential properties being taken out of use. The Council would not seek to apply the levy to permanent holiday accommodation. This was noted as accounting for 20% of the homes outlined in the report.

There were two questions raised in respect of paragraph 4.5 of the report if the period by which a home remained empty 'reset' with transfer of ownership and how the provisions on couples living separately would be applied. The Chair on the advice of the Deputy Leader then invited the Business Manager for Environmental, Revenues and Welfare to answer the questions. It was noted in response that a property with a premium having already been applied, would continue on the same timeframe as under the previous owner. It was noted in consideration for officers to clamp down on avoidance of Council Tax premiums and there were checks that could be used to enforce the policy.

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There was a question about the financial implications as part of the report and the £3.3 million of extra revenue of which £246,000 would be retained by the Council. It was noted that the purpose of the empty homes premiums was to disincentivise the retention of empty homes and it was asked if the income generated from this premium was therefore likely to be lower. The Deputy Leader noted that the figures in paragraph 5.3 would be on the second homes premium and the estimate was not on the empty homes due to the point raised. The Deputy Chief Executive confirmed that the projections were based on the second homes premium only. On the empty homes premium, it was noted by the Deputy Chief Executive that the change in the legislation was to reduce the timeline for charges on empty homes from 2-5 years to 1-5 years and the existing policy of 2-5 years was the basis for the Council Tax estimates set out in the Budget passed at February Council. The collection fund position at the end of 2024 would provide an update on the specific amounts.

There was a question by Council regarding holiday home lets and how they could be charged for waste collection to support local services.

Council noted the concerns of many residents around the number of empty properties and the development of new retirement properties within the District. There was also a question around the exception for active marketing of properties and how this would work.

There was a question around when Council has lost touch with property owners and how they would be traced. The Business Manager for Environmental, Revenues and Welfare answered by saying that there were tools to trace them but those who moved abroad could be difficult to find. It was highlighted that officers could use charging orders to recoup money alongside management orders for properties.

There was a question around the share of the income from the new charges. The Chief Executive confirmed that conversations had been taking place with Gloucestershire County Council and the Police and Crime Commissioner to see how best the money raised within the District could be utilised for projects in the District. The Deputy Chief Executive highlighted the Cost of Collection Allowance which the Council as the billing authority could claim for its service in recovering.

Councillor Joe Harris seconded and made the following points:

- This proposal was something that the Council had been waiting for some time for.
- The Leader thanked the Members of the former Second Homes Working Group and the work of officers to deliver this proposal.
- There was an inheritance exemption for up to one year to support families managing the loss of a loved one.
- It was a small lever but one that could be used to benefit the District.
- The Office of the Police and Crime Commissioner and Gloucestershire County Council would benefit from this levy the most, but that extra money needed to go back into the District.

Council noted some comments that given the scale of the demand within the Cotswolds for affordable housing and queried if there were any alternative uses.

Council asked around the use of active marketing and how that is defined to help stop the avoidance of the premium.

Councillor Every in summing up made the following points:

- In regard to waste collection, it was noted that the Business Rates regime covers the letting of properties and they may claim small business rates relief to reduce this to negligible amounts. Officers are working on a proposal on how to ensure that the waste collection service is only provided to those entitled to use it.
- There were varying demands for retirement properties across the District.
- The UK Government would be producing legislation which would address the concerns raised regarding the exceptions around active marketing.
- In regard to the amount of funding raised, it was noted that the Council has to go as far as possible despite the sum is being small.
- It was hoped that this would help those to reconsider if a second home in a residential area was suitable and would encourage properties to come back on to the market.

RESOLVED: That Full Council

1. **AGREED** from 01 April 2024, to levy the maximum level of premium for Empty Homes as set out in the Levelling Up and Regeneration Act 2023.

a) Premium of 100% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) after 1 year up to 5 years of becoming empty;

b) Premium of 200% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) between 5 years and 10 years;

c) Premium of 300% for dwellings which are unoccupied and substantially unfurnished (Empty Homes Premium) for 10 years or more.

2. **AGREED** in principle from 01 April 2025 to the implementation of a premium (Second Homes Premium) of 100% for dwellings that are no one's sole or main residence and which are substantially furnished as set out in paragraph 4.7 of the report.

3. **AGREED** to issue the mandatory notice of 12 months to all owners of second homes that a premium will commence from 1 April 2025; and,

4. **NOTED** that where premiums are to be applied, the Council is mindful of the current consultation by government which recommends exceptions in certain circumstances outlined within this report.

Subject to the outcome of that consultation, a further report may be presented to Cabinet and Council prior to the implementation of the Council's policy on premiums taking into account statute, the Council's requirements and any guidance given by the Secretary of State.

Voting Record

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

For	Against	Abstention	Absent/Did not vote
Andrew Maclean			Claire Bloomer
Angus Jenkinson			Julia Judd

Chris Twells			Roly Hughes
Clare Turner			Tristan Wilkinson
Daryl Corps			
David Cunningham			
David Fowles			
Dilys Neil			
Gary Selwyn			
Gina Blomefield			
Helene Mansilla			
Ian Watson			
Jeremy Theyer			
Joe Harris			
Jon Wareing			
Juliet Layton			
Len Wilkins			
Lisa Spivey			
Mark Harris			
Mike Evey			
Michael Vann			
Mike McKeown			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Paul Hodgkinson			
Ray Brassington			
Tom Stowe			
Tony Dale			
Tony Slater			

38 Council Tax Reduction for Care Leavers

The purpose of the report was to consider proposals to extend the age that Care Leavers could receive a reduction in Council Tax from 21 years to 25 years.

The Deputy Leader and Cabinet Member for Finance, Councillor Evey, introduced and made the following points:

- There had been a Corporate Parenting and Care leavers Briefing setting out councillors' the responsibilities as corporate parents.
- The Council had a duty of care for those in care and those who have left care within the District.
- There were 864 young people in care in Gloucestershire and 29 were in the Cotswold District.
- Care leavers within the new policy were those aged between 18-25. There were 560 such people across Gloucestershire and 13 within the District.
- The difficult circumstances of care leavers were important to recognise.
- The policy would provide support for those leaving care with their Council Tax within the District along with identical motions across Gloucestershire.

Councillor Stowe seconded and made the following points:

- The wellbeing of residents should be at the centre of the Council's decisions in order to support their life development.
- The impact on the Council's finances was relatively small compared to the positive impact on the lives of care leavers.

Council noted the excellent Corporate Parenting briefing provided to Members.

It was noted that there should be support for transition to paying for Council Tax and helping to support care leavers to manage their money.

The Deputy Leader summed up and made the following points:

- Councillor Every had spoken with officers on the point of care leavers at the end of their Council Tax exemption and processes would be in place to help give the right direct support.
- It was noted that from the briefing that there were 15 ambassadors on Gloucestershire County Council's Corporate Parenting Panel which raised the issue of access to leisure and housing. It was noted that the Deputy Leader would see how the Council could support access to housing and leisure facilities.

RESOLVED That the Full Council:

1. APPROVED to extend the age that a care leaver can receive a reduction in their council tax from 21 years to 25 years;
2. APPROVED to include those care leavers from outside of Gloucestershire County within the offer;
3. APPROVED the amended Eligibility Criteria as set out in Annex A

Voting Record

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

For	Against	Abstention	Absent/Did not vote
Andrew Maclean			Claire Bloomer
Angus Jenkinson			Julia Judd
Chris Twells			Roly Hughes
Clare Turner			Tristan Wilkinson
Daryl Corps			
David Cunningham			
David Fowles			
Dilys Neil			
Gary Selwyn			
Gina Blomefield			
Helene Mansilla			
Ian Watson			
Jeremy Theyer			
Joe Harris			

Jon Wareing			
Juliet Layton			
Len Wilkins			
Lisa Spivey			
Mark Harris			
Mike Evey			
Michael Vann			
Mike McKeown			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Paul Hodgkinson			
Ray Brassington			
Tom Stowe			
Tony Dale			
Tony Slater			

39 Pay Policy Statement 2024/25

The purpose of this item was to consider the Pay Policy Statement 2024/25.

The Deputy Leader and Cabinet Member for Finance, Councillor Mike Evey, introduced and made the following points:

- This annual statement was previously part of the appendices to the Budget papers but it was important for officers and for Members to review the paper on its own.
- The salaries of the statutory officers had to be published in the public domain.
- The policy statement included the Council's approach to areas such as severance and pay protection.
- On Page 121 of the pack, the role of the Performance and Appointments Committee was outlined in regard to the statutory officers' the terms and conditions, retirement and grievances.
- The report noted the median pay at section 10.2.

Councillor Joe Harris formally seconded the report.

Councillor Jenkinson wished to record the value of officers within the Council and their work.

RESOLVED: That Full Council

1. APPROVED the Pay Policy Statement for 2024/25.
2. AGREED that the Pay Policy Statement 2024/25 will be updated and republished to reflect any changes to the senior management structure at that point.

Voting Record

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

For	Against	Abstention	Absent/Did not vote
Andrew Maclean			Claire Bloomer
Angus Jenkinson			Julia Judd
Chris Twells			Roly Hughes
Clare Turner			Tristan Wilkinson
Daryl Corps			
David Cunningham			
David Fowles			
Dilys Neil			
Gary Selwyn			
Gina Blomefield			
Helene Mansilla			
Ian Watson			
Jeremy Theyer			
Joe Harris			
Jon Wareing			
Juliet Layton			
Len Wilkins			
Lisa Spivey			
Mark Harris			
Mike Evely			
Michael Vann			
Mike McKeown			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Paul Hodgkinson			
Ray Brassington			
Tom Stowe			
Tony Dale			
Tony Slater			

40 Notice of Motions

Councillor Mark Harris as Vice Chair of Council then took the Chair as Councillor Ind was the seconder of the motion.

Councillor Lisa Spivey introduced the motion on behalf of Councillor Bloomer who had given apologies for absence. The following points were made:

- The officers were thanked for all the work that had gone into it.
- The motion was necessary for the wellbeing and vitality of communities.
- It was imperative to recognise the selfless dedication of volunteers in the communities inspired by example of King Charles III.
- The cost-of-living crisis had meant that volunteers were relied upon more to deliver services to residents.
- The work of volunteers benefited their personal and professional development and strengthened the bonds within communities.

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- The motion would establish a process for the public to nominate unsung heroes, of which four would be chosen to be recognised at a Full Council meeting. They would receive a letter of thanks and a pin badge.
- In addition, a biannual coffee morning would be established for all volunteers to promote their work and thank them for their service.

Councillor Ind seconded and made the following points:

- Councillor Ind was delighted with the idea brought by Councillor Bloomer.
- The example of volunteers was important in communities and particularly in Tetbury with the friendship café and community fridge which provided vital support for residents.
- Volunteers' work often goes under the radar, and this would help the Council recognise those within the District doing that work.
- The work was also noted as an extension of former Councillor Julian Beales work with Community Champions.

Council noted the previous work of Councillor Julian Beale and how volunteers were previously recognised. It was noted that this motion would be on an ongoing basis rather than just a one-off event.

Council commented that there should be a coffee meeting in the north and one in the south of the District.

Council noted that it would be appropriate to also recognise teams rather than just individuals.

Council asked which team was picking this up and it was confirmed that this would be the Communities Team. It was also noted that a nominations email address would be created for this.

Council noted the importance of involving town and parish councils in identifying individuals.

RESOLVED: That Full Council **AGREED** to pass the following motion:

Recognising the invaluable contributions of unsung heroes within our communities, Council is inspired by the ethos of community service set by King Charles at the beginning of his reign.

Council should seek to encourage others to engage in volunteer work and acknowledge the essential role volunteers play in sustaining vital community services.

As more pressures are placed on our communities, it is so important to recognise those unsung heroes. Volunteering allows community members to be actively engaged and help address needs and issues they care about. This builds stronger bonds within a community.

Volunteering provides opportunities for people to gain work experience, build skills, and make professional connections. This can benefit volunteers individually as well as strengthen the overall workforce.

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Volunteering often connects people from different backgrounds and builds understanding between diverse groups within a community.

Volunteering is associated with benefits like better health, lower stress, and a longer lifespan for those who volunteer. When people volunteer it not only helps the community but can also enhance the lives of the volunteers.

Acknowledging the cost-effective nature of this approach in the current economic climate and the rising cost of living, underscores the critical reliance on volunteers for community well-being.

Recognising the pivotal role volunteers play in sustaining essential services such as Citizens Advice, Cotswold Friends, food banks, Churn Project and many others, this Council resolves:

1. To implement a process enabling members of the public to contact their respective ward councillors, with nominations of 'unsung hero' volunteers. At each Full Council, up to four unsung heroes will be announced by the chair/leader. These unsung heroes will be chosen following a review of all nominations at a meeting of the Chair, Vice Chair and portfolio holder for Cost of Living. The chosen nominees would then be invited to attend the council meeting. If they are able to attend, they would then be presented with a letter of thanks, signed by the leader and chair of the council and the Ward Member, alongside this, they would be also presented with an unsung hero pin badge.
2. To resource and host a biannual coffee morning to promote volunteering opportunities and express gratitude to those who selflessly serve. This would be open to all volunteers, regardless of winning.
3. To note that the programme shall stand as a testament to our deep appreciation for the hard work and dedication of the public in supporting and enriching our community.

Voting Record

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

For	Against	Abstention	Absent/Did not vote
Andrew Maclean			Claire Bloomer
Angus Jenkinson			Julia Judd
Chris Twells			Roly Hughes
Clare Turner			Tristan Wilkinson
Daryl Corps			
David Cunningham			
David Fowles			
Dilys Neil			
Gary Selwyn			
Gina Blomefield			
Helene Mansilla			
Ian Watson			
Jeremy Theyer			
Joe Harris			
Jon Wareing			
Juliet Layton			
Len Wilkins			

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Lisa Spivey			
Mark Harris			
Mike Evey			
Michael Vann			
Mike McKeown			
Nigel Robbins			
Nikki Ind			
Patrick Coleman			
Paul Hodgkinson			
Ray Brassington			
Tom Stowe			
Tony Dale			
Tony Slater			

41 Next meeting

The next meeting was noted as the Annual Council on Wednesday 15 May 2024.

The Meeting commenced at 6.00 pm and closed at 8.26 pm

Chair

(END)



Minutes of a meeting of Council held on Wednesday, 15 May 2024

Members present:

Nikki Ind - Chair	Mark Harris – Vice-Chair	
Gina Blomefield	Angus Jenkinson	Tom Stowe
Claire Bloomer	Julia Judd	Jeremy Theyer
Ray Brassington	Juliet Layton	Clare Turner
Patrick Coleman	Andrew Maclean	Chris Twells
Daryl Corps	Mike McKeown	Michael Vann
David Cunningham	Dilys Neill	Jon Wareing
Tony Dale	Nigel Robbins	Ian Watson
Mike Evely	Gary Selwyn	Tristan Wilkinson
Joe Harris	Tony Slater	Len Wilkins
Paul Hodgkinson	Lisa Spivey	

Officers present:

Andrew Brown, Democratic Services Business Manager	David Stanley, Deputy Chief Executive and Chief Finance Officer
Caleb Harris, Senior Democratic Services Officer	Kira Thompson, Election and Democratic Services Support Assistant
Ana Prelici, Democratic Services Officer	Robert Weaver, Chief Executive

I Election of a Chair

The Vice-Chair of Council, Councillor Mark Harris introduced the meeting and the first item which was the election of a Chair of Council.

The Leader, Councillor Joe Harris nominated Councillor Ind. In doing so, he stated that Councillor Ind had been a fair handed Chair of Council and had chaired the meetings very well.

Councillor Layton seconded the proposal. Councillor Layton reaffirmed the comments by the Leader and also noted the work done in representing Cotswold District Council.

There were no further nominations for Chair of Council.

RESOLVED: That Councillor Nikki Ind be elected as Chair of Council for the Civic Year 2024/25.

Voting Record

29 For, 1 Against, 0 Abstentions, 4 Absent/Did not vote

Having been elected, Councillor Ind then signed her declaration of acceptance of office as Chair.

Election of a Chair (Resolution)		
RESOLVED: That Councillor Nikki Ind be elected as Chair of Council for the Civic Year 2024/25.		
For	Gina Blomefield, Claire Bloomer, Ray Brassington, Daryl Corps, David Cunningham, Tony Dale, Mike Evemy, Joe Harris, Mark Harris, Paul Hodgkinson, Nikki Ind, 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, Tristan Wilkinson and Len Wilkins	29
Against	Chris Twells	1
Conflict Of Interests	None	0
Abstain	None	0
Carried		
Absent/Did not vote: Councillors David Fowles, Helene Mansilla, Patrick Coleman and Roly Hughes		

2 Appointment of a Vice-Chair

The Chair presided over the next item which was the appointment of a Vice-Chair of Council.

Councillor Wilkinson proposed Councillor Mark Harris for Vice-Chair and in doing so noted his record as Vice-Chair over the previous civic year.

Councillor McKeown seconded the nomination of Councillor Mark Harris and reaffirmed the comments made by Councillor Wilkinson.

RESOLVED: That Councillor Mark Harris be appointed as Vice-Chair of Council for the Civic Year 2024/25.

Voting Record

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

Appointment of a Vice-Chair (Resolution)		
RESOLVED: That Councillor Mark Harris be appointed as Vice-Chair of Council for the civic year 2024/25.		
For	Gina Blomefield, Claire Bloomer, Ray Brassington, Daryl Corps, David Cunningham, Tony Dale, Mike Evemy, Joe Harris, Mark Harris, Paul Hodgkinson, Nikki Ind, 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, Chris Twells, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	30
Against	None	0
Conflict Of	None	0

Interests		
Abstain	None	0
Carried		

Absent/Did not vote: Councillors David Fowles, Helene Mansilla, Patrick Coleman and Roly Hughes

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

The Chair made the following announcements:

- Councillor Ind thanked colleagues for their continued support in allowing her to be Chair of Cotswold District Council for another year. It was noted that it was a real privilege for her to be Chair and to make a difference for her community.
- Since the last Council meeting, the Chair confirmed that she had represented the Council on a number of visits: the Barn Theatre Gala Performance, Forest of Dean District Council charity dinner, Evesham civic service, the restaurant launch at the Stratton House Hotel and the Cirencester Town Council civic reception.
- It was noted that there had been a number of good briefings on Affordable Housing and Waste and Recycling Rezoning.
- Finally, the Chair announced that as part of the 50th Anniversary of Cotswold District Council she would walking The Cotswold Way this summer to raise money for three charities across the District. These were Cotswold Friends, the Churn Project, and Tetbury Area Youth and Community Trust. It was also noted that she would be donating her Councillor Allowances uplift across the three charities.

The Leader was then invited to give some announcements:

- The Leader congratulated Cllr Ind on her re-election as Chair.
- Congratulations to the Chief Executive were given on the birth of their new daughter.
- There was also a welcome given to Alan Hope as the new Strategic Housing Manager.
- There had been a number of issues around Member safety with vandalism of car tyres. It was noted there would be a review of member safety and the Leader reminded Members to be vigilant and to report any concerns as appropriate.
- The Leader then wished to talk about the following issues locally:
- Kingshill Meadow roundabout closure:
 - The County Council had now indicated that the roundabout would be reopened in June, which was welcomed.
 - There was a frustration amongst local people following poor communication and the time taken to get a solution in place.
 - The economic impact was tough on local businesses when important events like the Badminton Festival were taking place.
 - The Leader would write to the County Council on behalf of the Council on this and on the second issue of verge maintenance.

Verge maintenance

- Overgrown roundabouts locally were noted as a road safety hazard.
- Whilst enhanced biodiversity was important, it had to be done in a managed way.
- The District Council stood ready to assist but it was up to the County Council to lead as this was a highways issue.

Gloucestershire Growth Strategy

- A leaked document from the County Council outlined plans to build 142,000 dwellings across the District.
- It was recognised that these proposals would raise concerns in terms of the size of the increase in housing stock.
- The current proposals by the Council would require 3,300 homes to be built in addition to the 5,150 homes that already had permissions or had been allocated within the Local Plan. These proposals being far below the plans within the document.
- Cotswold District Council had been bound by confidentiality during private discussions on proposals so the leaking of the document raised questions to the County Council.
- It was affirmed that the Council could not support these proposals.
- It was outlined that the Council's policies were delivering genuinely affordable homes in a sustainable way which engages residents at every stage.

The Chief Executive was then invited to provide any announcements:

- The Chief Executive congratulated the Chair and Vice-Chair on their re-election.
- The Chief Executive thanked colleagues for their gifts and good wishes.
- Thanks were given to those staff involved in the Police and Crime Commissioner Elections to ensure they ran smoothly.
- The Chief Executive noted that he was looking forward to working with all colleagues.

4 Apologies

Apologies were received from Councillors David Fowles, Helene Mansilla, and Roly Hughes

Councillor Coleman had provided apologies offline to the Leader as he was running late but would be joining the meeting as soon as possible.

5 Declarations of Interest

There were none from Members or Officers present.

6 Announcement of the Leader on Cabinet appointments

The Leader then tabled the following Cabinet appointments:

Leader - Joe Harris

- Coordination of executive functions
- Policy framework including the corporate plan
- Publica
- Council communications
- Democratic services
- Housing and homelessness
- Clean and green campaign and street cleaning
- Town and parish council liaison

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Deputy Leader and Finance - Mike Every

- Financial strategy and management
- Property and assets
- Waste and recycling
- Revenues and benefits
- Grants
- Public toilets
- UBICO

Climate Change and Sustainability - Mike McKeown

- Climate and biodiversity emergency response
- Community energy
- Sustainable transport
- Retrofit
- Council sustainability

Economy and Council Transformation - Tony Dale

- Business transformation
- Local Enterprise Partnership and county-wide partnerships
- Economic development
- Tourism and visitor information centres
- Chamber of Commerce liaison
- Customer experience and channel shift

Planning and Regulatory Services - Juliet Layton

- Development management
- Forward planning and the local plan
- Heritage and design management
- Environmental and regulatory services
- Cotswold Water Park

Health, Leisure and Parking - Paul Hodgkinson

- Public and mental health
- Car parking operations and strategy
- Leisure and culture
- Museums
- Culture
- Young people

Communities and Public Safety - Lisa Spivey

- Improving social mobility and social isolation
- Flooding and sewage
- Safeguarding
- Domestic abuse
- Police liaison and crime
- Refugees
- Crowdfund Cotswold
- Member Development

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Cost of Living and Inclusion - Claire Bloomer

- Cost of living support
- Liaison with 3rd sector
- Diversity and inclusion
- Supporting women and minorities

The Leader in tabling the appointments made the following points:

- The Leader noted the work of Cabinet Members over the past civic year in delivering for Cotswold District Council.
- The Leader provided a summary of the portfolios being proposed and the work being done by each portfolio holder.
- The Cabinet was unchanged other than moving car parking operations and strategy to Councillor Hodgkinson's portfolio from Councillor Dale's portfolio. Councillor Hodgkinson would become the Cabinet Member for Health, Leisure and Parking. It was noted that this change would be important for working with Bourton-on-the-Water to facilitate a solution to the problem of coach parking.

Councillor Jenkinson asked the Leader of the Council about the responsibilities for housing and homelessness, and the current issues of funding affordable housing within the District where lower income residents were being asked to fund more affordable housing. The Leader replied that the issue needed to be taken offline to see what discussions could be had with the relevant government department. It was noted that the affordable housing situation in the UK was currently not acceptable and further action was needed to provide more affordable housing for residents.

Councillor Patrick Coleman joined the meeting during this item.

RESOLVED: Full Council NOTED the Cabinet appointments from the Leader

7 Appointment of Committees

This report set out those matters reserved to Council at its Annual Meeting:

- To make appointments to Committees for the Civic Year 2024/25.
- To make appointments to the positions of Chair and Vice Chair of Committees for the Civic Year 2024/25.

The Chair noted that a revised terms of reference for the proposed Publica Review Working Group following input from the Chief Executive had been provided and that a revised Annex B table of appointments could be found on desks.

Councillor Joe Harris, as Leader of the Council, introduced the report and made the following points:

- The Leader wished to record his thanks to the Democratic Services team for all of their work in putting the report together and accommodating changes just before the meeting.

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- The Leader also noted the recommendations regarding the Constitution Working Group and the Publica Review Working Group terms of reference which needed to be agreed.

Councillor Patrick Coleman apologised for being late and raised that the Vice-Chair of Audit and Governance Committee should be Councillor Helene Mansilla. The Leader apologised as this was an error during some last-minute changes to group positions.

Councillor Every seconded the recommendations noting the revision from Councillor Coleman.

Voting Record

31 For, 0 Against, 0 Abstentions, 3 Absent/Did not vote

Appointment of Committees (Resolution)		
RESOLVED: That Full Council		
1. DETERMINED that, in accordance with Section 15 of the Local Government and Housing Act 1989 (“the Act”), the Council shall continue to apply the political balance provisions under the Act to committees as shown in Annex A;		
2. APPOINTED Councillors to serve on the Council’s Committees and working groups as set out in Annex B for a term of office expiring at the next Annual Meeting of the Council;		
3. APPOINTED Chairs and Vice-Chairs for the Council’s Committees and working groups as shown in Annex B;		
4. NOTED the arrangements for substitutions set out in part 4 of the report;		
5. AGREED to confirm the changes to the terms of reference to include substitute members for the Constitution Working Group;		
6. AGREED the draft terms of reference for the Publica Review Working Group set out in Annex B.		
For	Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Tony Dale, Mike Every, Joe Harris, Mark Harris, Paul Hodgkinson, Nikki Ind, 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, Chris Twells, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	31
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		
Absent/Did not vote: Councillors David Fowles, Helene Mansilla, and Roly Hughes		

8 Appointment of Outside Bodies

This report provided Council with a list of appointments to Outside Bodies for the civic year 2024/25.

Councillor Joe Harris, Leader of the Council, introduced the item and the nominations outlined in Annex A in the report, and made the following points:

- The Leader noted that some of the outside bodies had changed since the previous Annual Council.
- The Leader noted that the Gloucestershire Police and Crime Panel required to be politically balanced and therefore only certain groups could appoint to it.
- Some of the appointments were constitutional such as Publica (shareholder representative) and Ubico.
- The Gloucestershire Economic Growth Scrutiny Committee and Gloucestershire County Council Health Overview and Scrutiny Committee required to be appointed by Council.

Councillor Mike Evemy formally seconded.

Councillor David Cunningham proposed the following amendment:

Nominate Councillor Daryl Corps to be the Council's representative on the Gloucestershire County Council Economic Growth Scrutiny Committee

Councillor Cunningham said that Councillor Corps was a businessman and a member of the Planning and Licensing Committee who would be appropriate to take this role.

Councillor Blomefield seconded this amendment and noted that Councillor Corps would be a good representative.

The Leader noted that it was felt to be discourteous that an amendment be presented without any prior representations made which would have been possible before the meeting. It was noted that there was past precedent for opposition councillors to be appointed to these committees. Councillor Stowe replied that the list of appointments had only been presented at the meeting and therefore there had not been sufficient chance to review them.

Councillor Cunningham as mover of the amendment noted that there were many changes to the business close to the meeting time, and that this could be done.

Voting Record

11 For, 18 Against, 2 Abstentions, 3 Absent/Did not vote

(Voting details for each Member can be found at the end of this item)

The amendment fell.

Council noted that economic growth was a cross-party issue and it was regrettable that a solution could not be found to accommodate cross-party appointments.

RESOLVED: That Full Council

1. Note the appointments to outside bodies by the Leader of the Council in respect of executive functions, as set out in Annex A Table 1;
2. Confirm the appointment of Councillor Angus Jenkinson to the Gloucestershire County Council Economic Growth Scrutiny Committee (substitute Councillor Patrick Coleman) and confirm the appointment of Councillor Dilys Neill to the Gloucestershire County Council Health Overview and Scrutiny Committee (substitute Councillor David Fowles)..

Voting Record

23 For, 6 Against, 2 Abstentions, 3 Absent/Did not vote

Appointment of Outside Bodies - Conservative Group Amendment (Amendment)		
RESOLVED: That Council appoint Councillor Daryl Corps to the Gloucestershire Economic Growth Scrutiny Committee.		
For	Gina Blomefield, Daryl Corps, David Cunningham, Nikki Ind, Julia Judd, Nigel Robbins, Tony Slater, Tom Stowe, Jeremy Theyer, Chris Twells and Len Wilkins	11
Against	Claire Bloomer, Ray Brassington, Patrick Coleman, Tony Dale, Mike Evey, Joe Harris, Mark Harris, Paul Hodgkinson, Angus Jenkinson, Juliet Layton, Mike McKeown, Dilys Neill, Gary Selwyn, Lisa Spivey, Michael Vann, Jon Wareing, Ian Watson and Tristan Wilkinson	18
Conflict Of Interests	None	0
Abstain	Andrew Maclean and Clare Turner	2
Rejected		

Absent/Did not vote: Councillors David Fowles, Helene Mansilla, and Roly Hughes

Appointment of Outside Bodies - Original Resolution (Resolution)		
RESOLVED: That Council		
1. NOTED the appointments to outside bodies by the Leader of the Council in respect of executive functions, as set out in Annex A Table 1;		
2. AGREED to confirm the appointments to the Gloucestershire County Council Economic Growth Scrutiny Committee and the Gloucestershire County Council Health Overview and Scrutiny Committee, as set out in Annex A Table 2.		
For	Claire Bloomer, Ray Brassington, Patrick Coleman, Tony Dale, Mike Evey, Joe Harris, Mark Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Lisa Spivey, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	23
Against	Gina Blomefield, Daryl Corps, David Cunningham, Tony Slater, Tom Stowe and Jeremy Theyer	6
Conflict Of	None	0

Interests		
Abstain	Andrew Maclean and Chris Twells	2
Carried		
Absent/Did not vote: Councillors David Fowles, Helene Mansilla, and Roly Hughes		

9 Record of Attendance 2023/2024

The purpose of the report was to present the Councillors Record of Attendance for the Civic Year 2023/24.

The Leader introduced the report to Members which was just for noting and should be straightforward.

Councillor Watson noted that his name was missing from the record and this had been raised prior to the meeting. The Business Manager for Democratic Services confirmed this had been updated on the online papers and apologised for the oversight.

The Chair reminded the public that attendance records were available throughout the year on the Council's website.

RESOLVED: Full Council NOTED the report.

10 On-Street Residential Chargepoint Scheme (ORCS) Grant Offer

To acknowledge the successful grant application and consider the proposal for £383,200 to be included in the Capital Programme and approve the match funding of £191,600.

The Cabinet Member for Climate Change and Sustainability, Councillor Mike McKeown, proposed the recommendations and made the following points:

- Climate Change impacts were getting worse at a rate faster than expected and action was needed.
- The single biggest contributor to Cotswold's carbon footprint was transport with 50% of all carbon emissions coming from cars.
- The transfer from internal combustion engines to electric vehicles was important.
- 30-40% of homes did not have off-street parking.
- The title of the grant which referred to 'on-street' charging points would be applied to 'off-street' car parks which the Council controlled.
- The £191,600 of government grant plus match funding would provide for 66 chargers across 11 car parks.
- The work would be done in consultation with Gloucestershire County Council.
- The officers were thanked for their work in obtaining the funding for the chargers.

Councillor Mike Evemy seconded the recommendations and made the following points:

- The capital programme needed to be updated as the grant award had come after the setting of the Budget for 2024/25 in February.
- Agreeing the recommendations would put £383,200 into the Capital Programme with half of the funds being match funding.
- The short timescale of 31 March 2025 was the deadline for chargers under the scheme to be installed and working.

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- The detailed business plans would come forward in July to allocate sites.

Council noted that the business cases would need to be approved by Cabinet to ensure they were financially sound against the backdrop of budget constraints.

Council highlighted that capital expenditure could have a lost opportunity cost if the return on investment was not sustainable.

Council asked if the Cabinet Member could provide a high-level overview of the business case and the realism of the timescales provided.

Councillor McKeown responded to the questions:

- The structure of the grant had been provided that the chargepoint operator Connected Kerb and the Distribution Network Operator would not get any funding if they didn't deliver. The Council continued to engage with Connected Kerb to ensure that delivery was provided.
- In respect of the business cases, officers would be providing a report to Members on the business cases details. However, other councils had similar models of deployment with varying tariff levels to offset operation costs.

Council noted the need for more charging sites for those without home chargers and the higher costs for using public chargers. Councillor McKeown recognised this difference and stated that officers were working on a dual-tariff scheme for those needing to charge in the evening.

The Deputy Chief Executive was invited to comment on the financial queries. It was noted by the Deputy Chief Executive that the robustness of the business case would involve the finance team looking at the cost of operating the chargers and any potential lost parking income. It was stated that an amended paragraph 4.2 of the Cabinet report had not been included in the Full Council report in error. This paragraph stated that:

A Cabinet report in June 2024 will include a detailed business case for each site and will make recommendations as to which sites would benefit from EVCPs including whether the full grant award is required should the business case for each car park not demonstrate best value, give rise to an ongoing subsidy from the Council, or where there are other operational or delivery challenges.

Council noted the scale of the crisis with increasing temperatures caused by climate change and the potential impact of the scheme on reducing emissions.

Council noted the advantage of slower electric vehicle chargers in helping to attract and keep tourists whilst they visit the District. It was also noted that slower chargers help to preserve the life of car batteries.

Council asked if the chargers would be spread out amongst the smaller rural communities and not just focussed on larger towns like Cirencester. Councillor McKeown confirmed the chargers would be spread out across the whole District but would not cover villages. It was noted that Town and Parish Councils may wish to access central government grant funding or any Community Infrastructure Levy funding available to install their own chargers for smaller rural communities.

Voting Record

31 For, 0 Against, 0 Abstention, 3 Absent/Did not vote

On-Street Residential Chargepoint Scheme (ORCS) Grant Offer (Resolution)		
RESOLVED: That Full Council		
1. Acknowledge the successful grant application of £191,600;		
2. APPROVED the On-Street capital scheme of £383,200 for inclusion in the Council's capital programme funded by £191,600 of external grant funding and CDC matched funding of £191,600.		
For	Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Tony Dale, Mike Evemy, Joe Harris, Mark Harris, Paul Hodgkinson, Nikki Ind, 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, Chris Twells, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	31
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		
Absent/Did not vote: Councillors David Fowles, Helene Mansilla, and Roly Hughes		

II Next meeting

The Chair announced that following the announcement of the 50th Anniversary celebrations being held at the Corinium Museum after the 25 September meeting, the Chair proposed moving the time of the meeting from 6pm to 2pm to accommodate this.

Councillor Stowe seconded the proposal. This proposal was put to the vote and agreed by Council.

RESOLVED: That Full Council move the 25 September meeting time to 2pm

The Chair in closing the meeting confirmed that the next meeting of the Full Council meeting would be on 17 July 2024 at 6pm.

Change of meeting time (Resolution)		
RESOLVED: That Full Council amend the 25 September 2024 meeting time to start at 2pm.		
For	Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Tony Dale, Mike Evemy, Joe Harris, Mark Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Mike McKeown, Dilys Neill, Nigel Robbins, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson and Len Wilkins	28
Against	None	0

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Conflict Of Interests	None	0
Abstain	Gary Selwyn, Chris Twells and Tristan Wilkinson	3
Carried		
Absent/Did not vote: Councillors David Fowles, Helene Mansilla, and Roly Hughes		

The Meeting commenced at 6.00 pm and closed at 7.35 pm

Chair

(END)

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Agenda Item 7



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL – 31 JULY 2024
Subject	PUBLICA REVIEW - DETAILED TRANSITION PLAN
Wards affected	All wards
Accountable member	Cllr Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Robert Weaver, Chief Executive Email: rob.weaver@Cotswold.gov.uk
Report author	Robert Weaver Chief Executive Email: rob.weaver@Cotswold.gov.uk
Summary/Purpose	To consider the Detailed Transition Plan, to note its content and to approve the recommendations therein.
Annexes	Annex A – Detailed Transition Plan Annex B – Equality and Rurality Impact Assessment
Recommendation(s)	That, subject to the resolutions of Cabinet on 25 July 2024, Full Council resolves to: <ol style="list-style-type: none"> 1. Approve the implementation of Phase I of the Publica Transition based on the Detailed Transition Plan and the phasing for the transition. 2. Delegate 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. Delegate 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. 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.



	<p>5. Note that following the decision on Phase 1, preparatory work for Phase 2 will commence and will be the subject of a separate report</p> <p>6. Note the following as included in the Detailed Transition Plan; <i>Section 2: Transition Planning:</i></p> <ul style="list-style-type: none"> • <i>Note the Design-Led principles</i> • <i>Note the Key Goals for Transition</i> <p><i>Section 7: Modelling Assumptions and Outputs:</i></p> <ul style="list-style-type: none"> • <i>Note the cost modelling for Phase 1.</i> <p><i>Section 9: Post-Transition Support:</i></p> <ul style="list-style-type: none"> • <i>Note the need for post-transition support.</i>
Corporate priorities	<ul style="list-style-type: none"> • Delivering Good Services • Responding to the Climate Emergency • Delivering Housing • Supporting Communities • Supporting the Economy
Key Decision	YES
Exempt	NO
Consultees/ Consultation	<p>Chief Executive, Deputy Chief Executive & Section 151 Officer, Director of Governance and Development (Monitoring Officer), Leader, Deputy Leader, Cabinet Members, Publica Review Interim Programme Director, Publica Interim Managing Director and through a facilitated workshop with Local Partnerships, Publica Assistant Directors.</p>



I. BACKGROUND

- I.1.** The majority of Cotswold District Council services are currently delivered through Publica, a joint vehicle owned by the Council together with West Oxfordshire District Council, Cheltenham Borough Council and Forest of Dean District Council. A Local Government Association Peer Review in October 2022 recommended an options appraisal be undertaken concerning how services were delivered. An options appraisal was undertaken in 2023 by external advisors Human Engine. Their final report (subsequently agreed by Cabinet and Council in November 2023) recommended that the majority of services should be repatriated to the councils, over 2 phases, and that Publica be reshaped. This work has been developed following the appointment of an Interim Programme Director in January 2024, leading to the Detailed Transition Plan having been prepared.
- I.2.** Local Partnerships, supported by the Local Government Association (LGA) South-West Region transformation funding, subsequently delivered a report in February 2024, endorsing the Human Engine Report findings, providing additional supporting detail, and setting out two phases under which the majority of services should be repatriated Phase 1 comprising a significant number of services expected to be in/around 2024 and phase 2 expected to commence in/around March 2025.
- I.3.** In March 2024, the Council considered the Local Partnerships report which built on the recommendations set out in the Human Engine report, for subsequent agreement by Cabinet / Executive, Overview and Scrutiny and Council. The Council agreed to the recommendations and instructed the Interim Programme Director to prepare a Detailed Transition Plan.
- I.4.** To support the Chief Executives of the Shareholders Councils and elected members in implementing the transition of services, an Interim Programme Director was appointed at the end of January 2024 to lead the Publica Transition Programme. The scope of this Programme referenced the Human Engine Report delivered in Autumn 2023 which recommended retaining selected services within Publica, meaning that the majority of services would move to direct control and be shared, via Publica or some other model on a case-by-case basis.
- I.5.** The Interim Programme Director established a small, focused Programme Management Office, comprised of an HR expert/lead and a Business Partner Accountant. The programme team engaged with council and Publica key staff (including the Section 151's and Monitoring Officers) via the creation of several workstreams (Finance, Legal, HR, ICT and



Communications, initially) as the ‘spokes’ to the Programme Management Office (‘PMO’) ‘hub’. This flexible model has provided engagement that is both broad and technically defined. In addition, a workshop jointly facilitated with Local Partnerships took place with senior Publica executives and retained officers from the Councils to understand more about the views of the wider stakeholder group regarding the transition. This information was then used to develop an outline framework for the transition of services to enable the PMO to take the Programme forward.

- 1.6. A governance structure was developed to provide oversight, support, and decision-making by way of an Officer Transition Board (comprised of each Council’s CEO, the Interim Managing Director of Publica and the Interim Programme Director), with a Council Programme Board providing the bridge link back to the Councils.
- 1.7. In developing the Detailed Transition Plan, the PMO carefully considered the Councils’ objectives expressed through their corporate plan objectives, the design-led principles outlined at high-level by Local Partnerships in their report and the aims of the Transition in relation to services and service delivery.
 - Deliver more defined local priorities.
 - Better reflect Member priorities and Corporate Plans
 - Be more agile
 - Be more sustainable.
 - Ensure better control over service.
 - Define services more to locality, with residents at the heart
- 1.8. In addition to the initial workshop, and project governance meetings, the PMO has undertaken fact-finding meetings with officers at all levels across the Councils and Publica to help inform the Transition Plan. This helped to develop the rationale for the services to be transitioned in Phase 1 and Phase 2.
- 1.9. Significant work has been undertaken to model the costs associated with the transition of services back to the council, involving the CEOs and S151 officers at each Council. Costings were modelled starting with an assured baseline, then considering risk, opportunity, and risk mitigation. Each element informed the overall project brief. Opportunities for sharing certain services and roles were considered and refined following a CEO workshop. Taken together, this has enabled a Programme GANTT chart to be refined over time providing the backbone to the programme. Through the process, it became clear that Phase 1 needed to take effect on 1 November to allow sufficient time for workforce consultation. The focus of the Detailed Transition Plan has therefore been on Phase 1 and the relevant steps for this. A



full programme of Communications has been developed in support, together with documents developed by HR in support of the transition. There are no ICT systems implications and ICT is engaged in developing a series of Council employee portals to support Councils from the 1 November “go live” date onwards.

2. DETAILED TRANSITION PLAN

- 2.1** The Detailed Transition Plan attached in Appendix A sets out the services proposed to transfer, the process including phasing, consideration of risks and opportunities, cost implications, practicalities, and timelines. It makes recommendations for a number of elements to be noted and for the phasing for the Transition to be approved.
- 2.2** The Detailed Transition Plan has an accompanying employee communications and engagement plan to ensure that all the key information is passed to employees, that they are engaged in the process and that they are consulted with as part of the transition process. The plan follows best practice HR and communications and will follow a clear and prescribed process to ensure the right information is communicated at the right time to ensure employment law is adhered to and that Publica employees are treated fairly. It also focuses on supporting employees through the process and explaining what the future will look like post-transfer via the correct channels.
- 2.3** The service areas transferred in Phase I will include:
- Democratic Services and Elections
 - Forward Planning
 - Development Management (but not ‘planning validation and planning support’)
 - Ecology
 - Conservation, Heritage & Design
 - Building Control
 - Economic Development
 - Tourism
 - Communities and wellbeing
 - Climate change
 - Strategic Finance (to include all finance roles apart from transactional finance procurement, insurance, and Treasury Management)
 - Communications
 - Strategic Housing
 - Corporate Planning, policy, and partnerships
 - Executive Assistants and Support



- 2.4** In addition, an HR Business Partner is to be seconded to the Council, ahead of the transfer, meaning that there will be a dedicated in-house Council resource at an early stage to support the Council directly pre- and post-transfer.
- 2.5** The Detailed Transition Plan has an accompanying employee communications and engagement plan to ensure that all the key information is passed to employees, they are engaged in the process, and they are consulted with as part of the transition process. The plan follows best practice HR and communications and will follow a clear and prescribed process to ensure the right information is communicated at the right time to ensure employment law is correctly followed and Publica employees are treated fairly. It also focusses on supporting employees through the process and explaining what the future will look like post-transfer via the correct channels.

3. THE COUNCIL PLAN

- 3.1** The Council has agreed on an ambitious corporate plan that recognises and embraces the challenges facing the District and sets out the Council's key priorities.
- Delivering Good Services
 - Responding to the Climate Emergency
 - Delivering affordable housing
 - Supporting Communities
 - Supporting the Economy

4. BUSINESS CASE

- 4.1.** The Publica Review provides an opportunity to restructure the Council and invest to deliver the vision and priorities set by the Corporate Plan.
- 4.2.** The rationale for the additional costs of Phase I is:
1. A more focused and defined approach to driving the delivery of the Council's priorities as set through the Council Plan.
 2. Clear distinction between policy and high-level strategy versus delivery. More defined control for the Council.
 3. Greater clarity over roles, responsibilities, and accountabilities – and where direction is set from.
 4. Greater clarity and focus for those functions remaining with Publica.



5. Enabling performance and value for money to be more clearly defined and measured by the Council.
6. Simplifying processes and determining whether and how resources can be deployed and redeployed as priorities shift.
7. Greater responsiveness and agility, to be able to deliver Member priorities and adapt to changing circumstances.
8. Greater focus on locality and local services.
9. Employing people locally, using this in support of economic growth.
10. Opportunity to group services and accelerate efficiencies, by identifying synergies between services before moving and re-defining them.
11. Adopting a responsive and business-like approach with a commercial mindset when engaging with businesses, residents, and key stakeholders, ensuring a cost recovery approach is used where appropriate to maximize service efficiencies.
12. Better focus and ability to drive the sustainability agenda of the Council.

In developing the Detailed Transition Plan, the PMO carefully considered the Councils' objectives expressed through their corporate plan objectives, the design-led principles outlined at a high level by Local Partnerships in their report.

- 4.3. It is assumed within the Detailed Transition Plan that with the significant changes to Publica, there will also be a budget re-basing for the 2026/7 financial year. This will ensure that the funding provided to Publica is proportionate to the services received.

5. FINANCIAL IMPLICATIONS

- 5.1 A detailed financial model has been developed to assess the implications of services transferring from Publica to the Council. For the purposes of this report and the DTP (Detailed Transition Plan), the financial model only considers Phase 1 services. Further modelling will be needed to prepare for and implement phase 2. As with all financial modelling, several critical judgements and assumptions have been made and these are covered in the Detailed Transition Plan (Section 7). The 2024/25 Financial Performance reports will provide members with a comprehensive overview of the outturn forecast for the year taking into account the financial implications of Phase 1.

February 2024 MTFS (Medium Term Financial Strategy) assumptions

The financial implications of Phase 1 are framed in the context of the February 2024 Medium-Term Financial Strategy (MTFS), as approved by the Council at the meeting on 21



February 2024. Section 2 of the MTFS outlined the emerging position of the Publica Review and the financial approach to be taken through the review process. In summary, the MTFS recognised the requirement to balance the budget over the MTFS period with service costs contained within the financial envelope set out in the MTFS by taking opportunities to make services as efficient and cost-effective as possible.

5.2 To ensure adequate provision is made for the costs and mitigation options over the transition period the MTFS sets out the approach to increase the availability of one-off revenue and capital resources through effective resource management and consideration of flexible capital receipts (where appropriate and in accordance with the Council's policy).

5.3 The Table below presents the summary MTFS from February 2024 – budget surplus forecast for 2024/25 and 2025/26 with a significant budget gap identified from 2026/27. It is worth noting that the position set out in the MTFS from 2026/27 was prior to the identification and delivery of additional cost savings or income streams.

	2024/25 (£'000)	2025/26 (£'000)	2026/27 (£'000)	2027/28 (£'000)
MTFS Summary				
Net Service Revenue Expenditure	15,858	15,858	15,858	15,858
Corporate Items/Non Service Income & Expenditure	(1,015)	(649)	(50)	24
Transfers to/(from) earmarked reserves	476	(557)	(701)	(701)
Provision for Inflation	1,117	1,993	2,694	3,414
Service + Corporate Items	16,437	16,645	17,801	18,596
Budget Pressures	584	628	690	740
Technical Adjustments	77	77	77	77
Risk Items	0	0	0	0
Savings and Transformation Plan items	(2,036)	(2,931)	(3,205)	(3,422)
Draft Net Revenue Budget	15,061	14,419	15,362	15,990
TOTAL Funding	(15,577)	(14,743)	(13,852)	(12,479)
Budget Gap / (Surplus)	(516)	(324)	1,511	3,511

Financial Resilience Reserve forecast based on current MTFS	2024/25 (£'000)	2025/26 (£'000)	2026/27 (£'000)	2027/28 (£'000)
Balance b/f	(2,429)	(2,946)	(3,270)	(1,759)
Use of Reserve	(516)	(324)	1,511	3,511
Addition to Reserve (BRP)				
Balance c/f	(2,946)	(3,270)	(1,759)	0
Overdrawn Reserve balance c/f		0	0	1,752



5.4 Phase I Outline and Methodology

The methodology followed in the financial modelling for Phase I is summarised below:

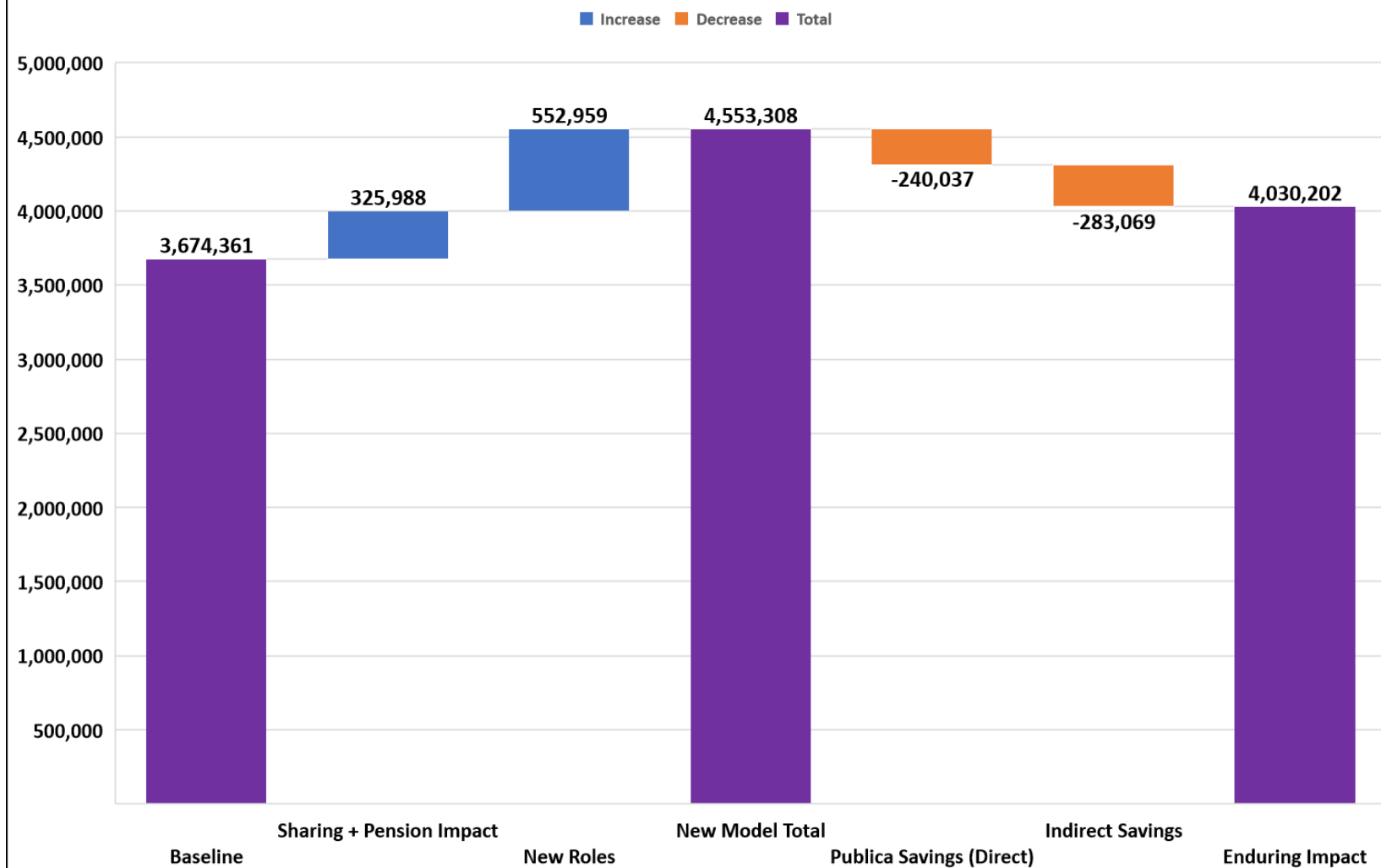
- Baseline data based on January 2024 payroll information.
- 94 vacant posts were reviewed with 65 vacant posts included in the Baseline.
- 81 posts transfer from Publica to Cotswold District Council including vacant posts.
- Posts identified under the scope of Phase I were built into a 'Phase I Cost Model' to provide an indicative financial impact assessment of the roles transferring to the Councils on an 'As-Is' basis.
- Cost increases attributable to the posts identified under Phase I arise due to post holders currently ineligible for the Local Government Pension Scheme (LGPS) becoming eligible for LGPS at the point of transfer. An increase in the employer pension contribution from 5% (Royal London Scheme) to 20.7% (LGPS).
- The assumption is that there is no subsequent opt-out from LGPS (i.e., 100% of staff eligible to join LGPS do not opt-out). For the purposes of the model, this is a prudent assumption with likely opt-out rates expected to be very low.
- Sharing assumptions with WODC (West Oxford District Council) and/or FODC (Forest of Dean District Council).
- A small number of posts are identified as at risk with an estimated cost range included in this report for redundancy, payment in-lieu of notice, and pension strain.

5.5 As part of the Phase I transfer, the Organisational Structure of Cotswold District Council has been reviewed to provide senior management oversight of services. A key proposal is that each council has identified the need for a director level post to support the Chief Executive, Deputy Chief Executive and Monitoring Officer as part of the retained senior management team. The new roles have been costed utilising the current Publica Average peer group salary levels and are identified in the Council's waterfall chart.

5.6 The summarised impact on the Council service delivery costs is shown in the Waterfall chart below.



PHASE 1: Baseline Movements Reconciliation (All Business Areas)





5.7 Impact on the Council's financial position – UPDATED MTFS and Financial Resilience Reserve

As shown in the table above, the net impact on the Council budget in a full year is £0.356m (Part-year impact in 2024/25 of £0.148m)

	2024/25 (£'000)	2025/26 (£'000)	2026/27 (£'000)	2027/28 (£'000)
MTFS Summary				
Net Service Revenue Expenditure	16,584	16,584	16,584	16,584
Corporate Items/Non Service Income & Expenditure	(1,004)	(651)	(52)	22
Transfers to/(from) earmarked reserves	306	(726)	(871)	(871)
Provision for Inflation	0	875	1,576	2,297
Service + Corporate Items	15,886	16,083	17,238	18,033
Budget Pressures	148	425	425	425
Technical Adjustments	0	0	0	0
Risk Items	0	0	0	0
Savings and Transformation Plan items	(825)	(1,720)	(1,995)	(2,212)
Draft Net Revenue Budget	15,209	14,787	15,668	16,246
TOTAL Funding	(15,577)	(14,743)	(13,852)	(12,479)
Budget Gap / (Surplus)	(368)	44	1,816	3,767
Previous Budget Gap / (Surplus)	(516)	(324)	1,511	3,511
Movement	148	368	305	255
Cumulative Movement	148	516	821	1,077

Financial Resilience Reserve forecast based on current MTFS	2024/25 (£'000)	2025/26 (£'000)	2026/27 (£'000)	2027/28 (£'000)
Balance b/f	(2,429)	(2,798)	(2,754)	(938)
Use of Reserve	(368)	44	1,816	3,767
Addition to Reserve (BRP)				
Balance c/f	(2,798)	(2,754)	(938)	0
Overdrawn Reserve balance c/f		0	0	2,829

5.8 Without compensating changes to the Council's budget for 2025/26 and over the MTFS period, there is increased pressure on the financial resilience reserve to achieve a balanced budget position.

5.9 Actions/Mitigations

It is clear the financial impact of the Phase I transfers will require the Council to carefully consider options for maintaining a balanced budget position over the MTFS period.

It is beyond the scope of this report to present options and recommendations – these will be developed over the Autumn as part of the wider 2025/26 budget-setting process and update of the MTFs. The Council will continue to reflect on the following criteria as part of the budget-setting process:

Emphasis on service transformation – continual review of service outcomes and their net cost with a cultural shift towards a more commercial approach to residents, businesses, and customers. Ensuring service delivery decisions consider the net cost of service delivery, utilising IT solutions to deliver ongoing service efficiencies.

Publica structure post transfer – as the Councils consider the quantum of services that will continue to be delivered by Publica, options should be brought forward to ensure cost efficiencies are a primary consideration, and an appropriate structure is in place to facilitate this analysis and review of service delivery costs and options.

Alternative budgeting methodologies - Zero Based Budgeting (A ‘zero-based’ budgeting approach builds the budget from scratch and challenges the baseline or previous year’s budget) and/or Outcome Based Budgeting (links business planning and budgeting to focus on service outcomes) may offer opportunities over the usual incremental-based approach.

Identification of additional savings, cost reductions, and income streams through the budget-setting process. Linked to service transformation and analysis of service delivery costs.

5.10 Provision for Redundancy

As set out earlier in the financial implications, there are a small number of posts associated the Phase I transfer that are identified as at risk. A prudent estimate would be for the Council to anticipate around £0.300m of redundancy and associated costs which allows for a level of mitigation. This represents an equal one-third share of the costs with future salary savings allocated on the same basis.

5.11 The 2023/24 Final Outturn report, considered by Cabinet at their meeting on 25 July 2024, sets out the process by which this will be done.

5.12 Agency Staff Costs

The financial modelling does not consider the budgetary impact of agency staff costs that the Council will become liable for as part of the Phase I service transfers. There are several vacant posts across the services that are currently backfilled using agency staff.

5.13 The broad assumption is that at an aggregate level, vacant posts and salary underspends will continue to offset agency costs. However, there may be instances where at service level (e.g., Development Management) agency staff costs may exceed the available budget.



Material service variations will be reported to members through the regular quarterly financial reporting to Cabinet.

6. LEGAL IMPLICATIONS

6.1 The Councils established a Legal Workstream with a membership composed of the Monitoring Officers for all four partner councils to Publica, the Interim Head of Legal Services, Business Manager for Business Continuity, Governance and Risk and the Interim Programme Director. This has met regularly to identify legal issues yielded by the proposed transition.

6.2 The Legal Implications of transferring services back to the Council fall into three principal areas:

- Contractual Obligations (internal and external)
- Governance
- Employment law

6.3 Internal Contractual Arrangements

The contractual relationship between the Council and Publica Group Ltd is the subject of various legal agreements including:

- A members' agreement dated 25 May 2017 between FoDDC (Forest of Dean District), CDC (Cotswold District Council) and WODC (West Oxford District Council)
- Admission Agreements in relation to the Gloucestershire County Council Local Government Pension Scheme dated 14 November 2017 and in relation to Oxfordshire County Council scheme dated 30 November 2017
- A Services Agreement dated 31 October 2017, with a commencement date of 1 November 2017.

6.4 The Services Agreement sets out the contract periods for general services, support services and for commissioning services, which come to an end on 31 October in 2024, 2026 and 2027, respectively. For now, the Council has agreed with Publica via a series of side letters that the contract will continue in respect of all these services until the Council has made a decision whether to transfer services back in-house, whereupon it will vary the contract or give notice.



6.5 External Contractual Arrangements

Existing contracts with external parties would require novation if the current party were Publica instead of the Council. This was identified as a potential risk in early meetings of the legal workstream, but it has not materialised. The contracts register appears to show that contracts have been properly completed in the name of the Council.

6.6 Shared Working

Phase One of the transition proposes services coming back in-house on a “sovereign council” basis. If there are any proposals to deliver via a shared service, this will have to be established by a legal agreement. Both the existing Counter Fraud and Enforcement Unit and Legal Service partnerships offer examples of different legal models for shared services delivered by retained officers.

Any standalone shared posts (not within a shared service) will need to be secured by way of a suitable legal agreement whereby the employing council agrees that its employee is available to carry out duties for the partner council. This is particularly important for posts which discharge statutory functions within the Council’s Scheme of Delegation.

6.7 Governance

The Council will need to evaluate its existing non-executive scheme of delegation and satisfy itself that it either employs or has available to it (for example through shared services) the officers empowered to discharge delegated powers. The Council will also need to remove references to Publica in its Constitution where these are no longer applicable. It is proposed that the Monitoring Officer be given the power to make all consequential amendments to the Constitution that result from members’ decision.

6.8 Best Value Consultation

External legal advice has been sought and obtained on whether the Council is obliged to carry out a public consultation under Section 3 Local Government Act 1999 on its proposals. Based on that advice, the Interim Head of Legal Services and Monitoring Officers are satisfied that no duty to consult arises.

6.9 Employment Law

The proposal has at its core a change in the employment relations of all staff it impacts. Whilst this has principally been within the remit of the HR Workstream, The Legal Workstream has interrogated aspects of applicable employment law. There has been extensive discussion with external lawyers over the extent to which the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) applies to the

insourcing of services. The conclusions of this are set out in section 4.0 of the Detailed Transition Plan.

- 6.10** Where TUPE does apply, the employment of any employees assigned to an organised grouping will transfer automatically to the Council unless they object to the transfer. They would be employed on the same terms and conditions, save for gaining an entitlement to join the Local Government Pension Scheme.
- 6.11** Where a role is fragmented (shared) and will no longer remain shared post transfer, TUPE will not apply. In these instances, formal consultation will be undertaken with the impacted employees in line with the Publica Redundancy Policy and Procedure following ACAS best practice. Consideration will be given to alternative measures to minimise or avoid redundancies including, but limited to, suitable alternative suitable employment within Publica, or through employment opportunities with the Shareholder Councils.

7. RISK ASSESSMENT

- 7.1** The Workstreams, the Officer Transition Board and the Council's Programme Board regularly review the Programme Risk Register and the Programme is reviewed periodically through Publica's own risk management framework. This approach of risk management will continue through the Programme.

8. EQUALITIES IMPACT

- 8.1** Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality in relation to:
- Race
 - Disability
 - Gender, including gender reassignment.
 - Age
 - Sexual Orientation
 - Pregnancy and maternity
 - Religion or belief

When considering this recommendation, no barriers or impact on any of the above groups has been identified.

An Equality Impact Assessment has been prepared and is attached.



COTSWOLD
DISTRICT COUNCIL

9. BACKGROUND PAPERS

9.1 None

(END)



A Detailed Transition Plan for Council Services and Publica

Contents

- 1.0 Background**
- 2.0 Transition Planning**
- 3.0 Planning the Order of Service Transition**
- 4.0 Service Transition Practicalities**
- 5.0 Systems and Processes**
- 6.0 Programme Risks and Opportunities**
- 7.0 Financial modelling assumptions and outputs**
- 8.0 Steps to Transition and Communications**
- 9.0 Ongoing Transition Planning**
- 10.0 Conclusions / Summary Recommendations**

Appendix I – Project Initiation Document

Appendix II – Transition Framework

1.0 Background

In February 2024, Local Partnerships was asked to support the shareholders of Publica through the Local Government Association's South West transformation grant funding programme. The brief was to further develop an initial study delivered by Human Engine in Autumn 2023 as a bridging document to inform the preparation and implementation of a Detailed Transition Plan to repatriate the majority of services from Publica to the District Councils in 2024 and onwards. In their report, Local Partnerships confirmed that doing so would improve control, accountability and delivery of the Councils' corporate objectives.

In consideration of a Detailed Transition Plan, Local Partnerships stated: *"Each council will need to articulate its ambitions for success and consider if this aligns with other councils. Corporate plans will need to be assessed in terms of their alignment to one another and the shared ambition. This should assist in embedding the councils to a new organisational culture into the ways of working, rather than creating a like-for-like structure"*.

In future the district Councils will drive directly the provision of the majority of services through holding the majority of the resources, with some retained through Publica. This contrasts with the position currently where the service delivery vehicle holds the principal resource with which to do this. It is this change which is central to this Transition.

The Local Partnerships' report, published on 16 February 2024 was approved by the Councils and:

- Built on the work of the Human Engine report and verified much of the early stages work carried out there
- Clarified the portfolio of Publica services to remain; the sovereign services to be carved out and the services that may be jointly shared in future
- Set the design guidelines
- Confirmed the target to extract key services in 6 months from April 2024
- Confirmed the need for a Programme Management Office to drive the transition.

This Detailed Transition Plan builds on the earlier work of Local Partnerships and Human Engine through detailed discussion, analysis and fieldwork, involving a significant number of Publica and Council officers. In particular, it references the detailed financial modelling that has taken place.

Executive sponsors for this work are:

Rob Weaver, Chief Executive, Cotswold District Council
Nigel Brinn, Chief Executive, Forest of Dean District Council
Giles Hughes, Chief Executive, West Oxfordshire District Council.

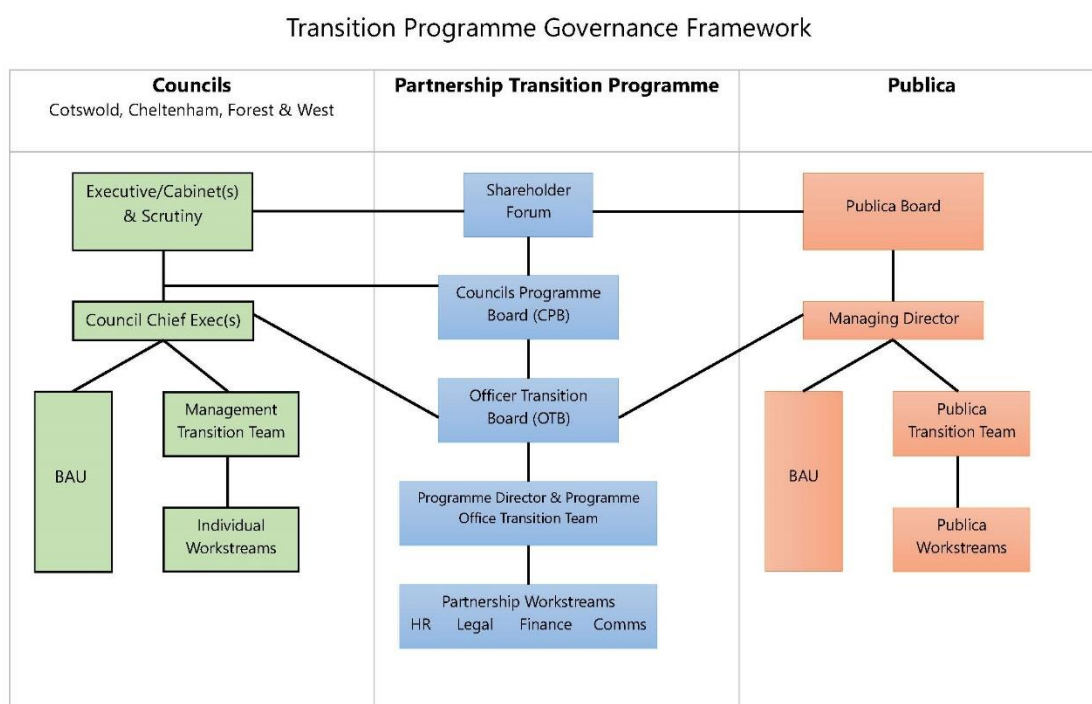
Links to the Human Engine Report and the Local Partnerships Report are here:

- [Human Engine Report: Strategic Review of Publica Services](#)
- [Local Partnerships Report: Insourcing from Publica](#)

2.0 Transition Planning

A small Programme Management Office (PMO) was established in February 2024 in support of the transition comprising an Interim Programme Director plus two Publica employees; one a HR specialist; the other a chartered accountant/modelling specialist. The PMO was set up to operate on ‘hub and spoke’ principles, with the spokes being a set of subject area workstreams: Finance, Legal, Communications, ICT and HR comprising subject matter experts from Publica and the Retained Officer Group.

These workstreams have formed part of a comprehensive Transition Programme Governance Framework, shown below.



A Programme Initiation Document was created by Publica with progress monitored monthly (see **Appendix I**). The workstreams have provided significant support to the development of the Programme. By way of example, the ICT workstream informed the Programme on key operational elements and risks, as well as providing the basis for consideration of additional infrastructure to support the new Councils’ operations in the form of employee portal development. In addition, statutory officers have contributed to a critical friend brief which, with the output of the workstreams, has made a significant contribution to the development of this Detailed Transition Plan.

A key focus for the Transition Planning was on modelling the potential impacts, risks and delivery planning. Reference was made to Local Partnerships’ advice, the principal elements of which are in the Transition Framework table, updated, at **Appendix II**.

Key goals for the Transition, discussed with the Executive Sponsors, have included ensuring:

- A more focused and defined approach to driving each council's priorities through their corporate plan strategies.
- Greater clarity and focus for those functions remaining with Publica.
- Greater clarity over roles, responsibilities and accountabilities – and where direction is set from.
- How performance and value for money is understood and managed and how it can be more clearly defined and measured.
- Simplification of processes and in determining whether and how resources can be deployed and redeployed as priorities shift.
- Greater responsiveness and agility so as to be able to deliver Member priorities.
- Greater focus on locality and local services.
- Employing people locally, using this in support of economic growth (e.g. apprenticeships), being more accessible and visible and foster the spirit of communities.
- Much better definition between Policy and high-level strategy on the one hand and delivery on the other. More defined control.
- Opportunity to group services to accelerate efficiencies, by identifying synergies between certain services before moving and re-defining services.
- Being responsive and business like – adopting a more commercial mindset when considering engagement with businesses, residents and key stakeholders, ensuring a cost recovery approach is implemented whenever possible to maximise service efficiencies.
- Better focus and ability to drive the sustainability agendas of all Councils.

These are linked to 'design led principles' to ensure that services can maximise delivery of the Councils' corporate plans and Administrations' Values. These include:

- *Councils shaping the delivery of services* - being more mindful of efficient working methodologies and in relation to the Council's corporate plan objectives, which are key.
- *Councils considering the repatriation approach* - where Publica employees work across multiple councils, considering factors such as historic pension strain, relationship led roles with specific councils, otherwise whether roles are shared, in other words whether the majority of work is undertaken principally for a particular

council or not. Also, an approach to the potential future sharing of services by Councils, if appropriate.

- *Consideration of cost* – recognising that there is a cost to bringing services back in-house and it may be difficult to quantify any savings such as on management costs in the short term.
- *Councils employing people locally, being accessible and visible*, with the ambition of making services more local with greater accountability and transparency, building in apprenticeship and graduate programmes to ensure succession planning and improve Equity, Diversity & Inclusion metrics.
- *Grouping services together to accelerate efficiencies*, by identifying synergies between certain families of services before moving services. A good example would be that under the broad header of Sustainability, could sit climate change, environment, flood etc. Grouping services in this way would support efficiencies assuming that employees were employed under a broader brief than is currently the case.
- *Addressing anomalies and driving efficiencies by way of straight through processing where possible*. In the longer term, an example might be grouping planning validation with the whole of planning, rather than in a separate administrative function, as now and potentially, in future, using technology to help triage in the first instance.

A key focus for the transition is to ensure that teams are structured around delivery of the Councils' corporate plans and priorities. Throughout the Councils' corporate plans there are strong areas of common focus around environment, sustainability and climate change related areas, community and local economic development. These aspects have been considered carefully in the modelling of appropriate Council structures.

Recommendations:

- 1. Note the Design Led principles**
- 2. Note the Key Goals for the Transition**

3.0 Planning the Order of Service transition

Local Partnerships had suggested that the following services could be transitioned in Phase 1, around October 2024 (using the descriptions set out in their report):

- Development and Building Control
- Local Plan Team
- Democratic Services and Elections
- Corporate Plan and Policy
- Economic Development
- Communities
- Climate change/environment/sustainability
- Strategic finance
- Strategic HR
- Strategic Housing
- Community Wellbeing;

with the following suggested for Phase 2, in/about March 2025:

- Food Safety and Licensing
- Environmental Health
- Performance and Business Intelligence
- Property and Estates
- Project Management
- Communications.

Local Partnership's work did not include modelling the baseline establishment of Publica, nor did it include an analysis of systems associated with service delivery. In addition, the scope did not allow for significant fieldwork. On analysis, however, a helpful distinction can be drawn from the work that Local Partnerships delivered in that the identified Phase 1 grouping comprises services where only a very modest proportion of employees work across more than one Council, whereas in Phase 2, employees are typically working across several Councils. Such a distinction is helpful in planning for the Transition.

The Transition programme discussions on council priorities clarified that all planning/ planning policy (except for planning validation, and planning support, where there was a consensus on having the resilience associated with sharing across the three councils at this time).

The Transition phases will significantly change Publica's scale and operations as services transition back to the Councils. Accordingly, an assumption has been made that the Publica organisation is simultaneously to be re-structured, together with its governance.

4.0 Service Transition Practicalities

The Transfer of Undertakings Protection of Employees ('TUPE') legislation has been in force in the UK since 1981 and applies in many, though not all, instances. It is designed to protect the rights of employees when there is a transfer of the business in which they work resultant either from:

- The transfer from one employer to another of an organised grouping of resources which has the objective of pursuing an economic activity; or
- A service provision change, where activities are switching from one employer to another, and there is an organised grouping of employees whose principal purpose is carrying out those activities.

A number of the services are provided by Publica to a single Council by employees that are now and always have been focused 100% on one Council. This is the case for the majority of Phase I. It would therefore be reasonable for the Councils to conclude that for the most part, TUPE will apply to the insourcing of the services and hence employees in Phase I. In those instances where TUPE does not apply, which relates to roles which are fragmented and/or will no longer remain shared, processes that are objectively fair, reasonable and transparent would be applied.

HR have checklists ready and available for TUPE transfers for both Transferor and Transferee and will also have a suite of documentation ready for use as Councils move to initiate, carry out and complete the TUPE process. Ensuring the process is followed correctly reduces risk and supports employees and the organisations effectively. The aim will be to ensure that employees have a smooth transition from Publica into the Councils to ensure services and the customer experience continue throughout the process to underpin success.

Whilst planning is ongoing, it is imperative that confidentiality is maintained so far as practicably possible. The Programme Office, HR and Communications have working on the basis that the transition of services is under consideration and no more than that. Any direct conversations between Council management and Publica employees could be construed as consultation before formal consultation has been initiated and should therefore be avoided.

All communications to any or all employee(s) in relation to the transition should be conducted through official channels whether that is through the Communications Team or by HR, Trade Unions and the joint consultation process.

5.0 Systems and processes

A key element of the transition is ICT as this underpins all operations. It also links closely to communications, which will be key in delivering a successful Transition.

Many of the ICT systems are inter-linked. Some of the systems licences are owned by Publica, some by a single Council, some by all four Councils. No particular issues were identified through the ICT Workstream in terms of systems and processes for the transition. The current ICT set up is flexible to an extent that will relatively easily support the transition that is envisaged, though this will require significant focus and resource from the ICT Team to be able to deliver this.

Microsoft Tenants are becoming more important over time. When Publica was created, Microsoft Tenants in their present form did not exist. Subsequently a single Tenant was created for the three District Councils aligned to objectives for Publica. Whilst this should be maintained for at least Phase 1 and Phase 2 of the transition, logic dictates that the three Councils should move, ultimately, to a single Microsoft Tenant for each Council, as each Council begins to assume a greater role in direct service delivery.

All employees currently have access to a Publica portal and there are three Councillor portals (one for each District Council) in addition. All are hosted and created using a product called Lumapps. In the medium term, it would make sense to look at moving this functionality to Microsoft 365. This is not a sensible approach until there are dedicated Microsoft Tenants for each Council as there is a one-to-one relationship between portals and tenants in Microsoft. The short-term solution is to create three new portals in the Lumapps product, one for each Council and the Councillor portals could potentially be merged in and this is to be progressed to ensure that each Council has its own employee portal ahead of Phase 1 'go live' at no additional cost.

6.0 Programme Risks and Opportunities

A Programme Risk and Opportunity Register has been developed aligned to each Council's Risk Management Policy with input through the Workstreams and Retained Officers and is available for viewing via the PMO.

Key risks that require continued focus throughout the transition and are elevated on the Risk Register centre around:

- Processes linked to the transition, and the need to follow the law and due process
- People, the need to continue to motivate, attract and retain
- Communications, the need to ensure effective and timely communications for each relevant audience.

7.0 Financial modelling assumptions and outputs

The Detailed Transition Plan (“DTP”) provides the framework for services to transition from Publica to each Council and will have a significant impact on the cost-of-service delivery.

Given the scale and complexity of the Publica Review programme, extensive due diligence on the Human Engine review and Local Partnerships report recommendations has been undertaken.

A detailed financial model has been developed, tested and reviewed with a key output from the financial model considering the affordability of service delivery choices through identification and quantification of:

- Additional costs associated with service delivery of services transferring from Publica to each Council in Phase I
- Reductions in the Publica contract sum as a result

There are two financial models that have been developed in support of the financial due diligence. A Baseline Model (“BM”) developed from Publica’s payroll data and reconciled against the agreed Publica Contract Sum (“PCS”). A subsequent Council Model (“CM”) was developed building on the agreed output from the BM with additional post included to support Phase I services in each Council. The output from the CM is therefore considered within this section of the Detailed Transition Plan.

Publica Contract Sum/ Baseline Model

The agreed Publica Contract Sum (excluding mark-up and transformation) for the 2023/24 and 2024/25 financial years is shown in the Table below.

A. Contract Sum Reconciliation	TOTAL (£)	Cheltenham Borough Council (£)	Forest of Dean District Council (£)	West Oxfordshire District Council (£)	Cotswold District Council (£)
2023/24 Base Contract Sum	30,358,576	966,439	7,388,247	11,266,710	10,737,179
2024/25 Base Contract Sum	32,137,769	826,653	7,888,763	12,259,122	11,163,232

The Baseline Model was developed from Publica Payroll data and reconciled back to the 2023/24 base contract sum. Several material differences were identified and investigated through the reconciliation process:

- Vacant posts – duplication of vacant post due to creation of new post references rather than utilising the vacant post reference.
- Post reference discrepancies between payroll, service establishments and working papers supporting the contract sum budget – allocation of new post references as above.

Posts funded outside of the contract sum (i.e., time-limited posts funded from each Council's other resources such as earmarked reserves).

The *BM* was subject to check and challenge/peer review by s151 officers through the Finance Workstream. S151 officers were content that the *BM* was based on accurate and reliable financial data, included reasonable financial assumptions to support financial forecasting, and had been prepared following best practice financial modelling principles (ICAEW Financial Modelling Code).

The key output from the *BM* is the identification of the baseline cost of posts/services that transfer to each Council under Phase I of the transition plan and the impact on the baseline cost resulting from the additional employer pension contribution costs associated with the Local Government Pension Scheme ("*LGPS*").

Service Area	Baseline Cost (£)	Phase I Cost (£)	Change in Cost (£)	% Change in Cost	Posts
BUC001: Building Control	784,321	827,054	42,733	5.45%	19
CCR001: Community Engagement	824,080	873,493	49,413	6.00%	31
COM001: Community Intelligence	125,119	125,119	0	0.00%	2
COM801: Health Delivery	140,244	154,160	13,916	9.92%	18
COR801: Corporate Support	213,682	229,745	16,063	7.52%	5
DEV001: Development Management	2,930,793	3,147,609	216,816	7.40%	64
DRM005: Committee Services	440,648	485,089	44,441	10.09%	12
ECD001: Economic Development	468,704	489,391	20,687	4.41%	9
ELE001: Elections Services	368,726	377,317	8,591	2.33%	12
HOS001: Housing Strategy	245,878	260,182	14,304	5.82%	6
PLP001: Planning Policy	1,136,952	1,187,840	50,888	4.48%	25
PLP004: Heritage & Conservation	901,857	974,956	73,099	8.11%	26
REG023: Environmental Strategy	410,980	463,412	52,432	12.76%	11
SUP003: Human Resources	175,352	175,352	0	0.00%	3
SUP009: Accountancy	721,152	758,499	37,347	5.18%	13
SUP018: Communications	678,593	754,996	76,403	11.26%	15
TOU001: Tourism	221,221	233,880	12,659	5.72%	5
TOTAL	10,788,301	11,518,093	729,792	6.76%	276

Council Model (RAG rating for each assumption/output)

The *CM* builds on the outputs from the *BM* and includes the costs of additional Council roles that are required to support Phase I services.

Key assumptions and observations made in the *CM* are listed below and assess in terms of robustness, confidence, and materiality on a **Red, Amber, Green** basis.

RED	AMBER	GREEN
<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> <input type="checkbox"/> Front-loaded Publica cost reductions <input type="checkbox"/> Agency cost assumption (not included in model) • Redundancy provision (not included in model) 	<ul style="list-style-type: none"> <input type="checkbox"/> LGPS Assumptions <input type="checkbox"/> Financial analysis shown in Waterfall Chart <input type="checkbox"/> Vacancy Factor

- **GREEN** All staff currently outside of the Local Government Pension scheme are auto enrolled. Assumption is that there is no subsequent opt-out from LGPS (i.e., 100% of staff eligible to join LGPS do not opt-out). For the purposes of the model, this is a prudent assumption with likely opt-out rates expected to be very low.
- Whilst the Model includes Publica contract sum reductions, as shown in the Waterfall charts below, this is for completeness and to demonstrate the net financial impact of the changes associated with Phase 1. Contract Sum amendments, whether increases or decreases, are recognised as a change to the General Fund Revenue Budget and therefore support the net financial position of the Council. Contract Sum reductions, therefore, should not be viewed as a source of funding for the Phase 1 transition nor justification for increased service or structure costs.
- **AMBER** It is also important for members to recognise the front-loaded nature of Contract Sum reductions. Cost reductions associated with the removal/deletion of post within the Publica senior management structure (Managing Director (MD), Assistant Director (AD) roles have been allocated in full against Phase 1. As a result, no further indirect savings are anticipated across future phases thereby limiting the mitigation of additional costs associated with Phase 2 service transfers.
- **GREEN** The table and waterfall chart show the full-year enduring impact of the Phase 1 transfer and decisions taken on Council services. For the 2024/25 financial year there will only be a part-year impact as Phase 1 will not commence until November 2024. However, there may be additional costs in 2024/25 associated with recruitment and retention that have not been included in the modelling and will be identified and reported through each Council's regular financial reporting to members.
- **GREEN** Vacancy Factor – a vacancy factor of 2.5% is applied by Publica to payroll budgets at service level. As services are transferred to Councils it is appropriate for the equivalent vacancy factor to be applied to Phase 1 budgets (i.e., the net transfer of budget from Publica to each Council will include a reduction equivalent to 2.5%). Each Council will therefore need to determine how to account for and apply their share of the vacancy factor.

- **AMBER** The model does not include any provision for agency staff costs. The CSM includes all posts – whether occupied or vacant. Each Council will need to manage services within the available budget and where vacancies are temporarily covered by agency staff there may not be sufficient budget at service level. Whilst the 2023/24 outturn position in Publica supports the view that at an aggregate level the salary savings through vacancy management exceed the cost of agency staff (£1.8m salary savings vs. £0.9m agency staff cost), this may be more difficult for each Council to achieve. The regular financial reporting to members will focus on the cost of agency staff at service level and identify through variance reporting budget pressures and management action that can be taken in mitigation.
- **AMBER** For the avoidance of doubt, the model does not include redundancy, payment in lieu of notice (PILON), or pension strain cost (where applicable). These costs are one-off in nature with future salary savings accruing back to each Council. The covering report to the Detailed Transition Plan sets out the financial implications for each Council and addresses the business case justification for redundancy, apportionment of these costs across each Council, and the treatment of salary savings.
- Note: One-off costs incurred are ‘paid back’ before any cost reduction is recognised in the MTFS and will be judgement for each Council’s s151 officer in terms of proper accounting treatment.

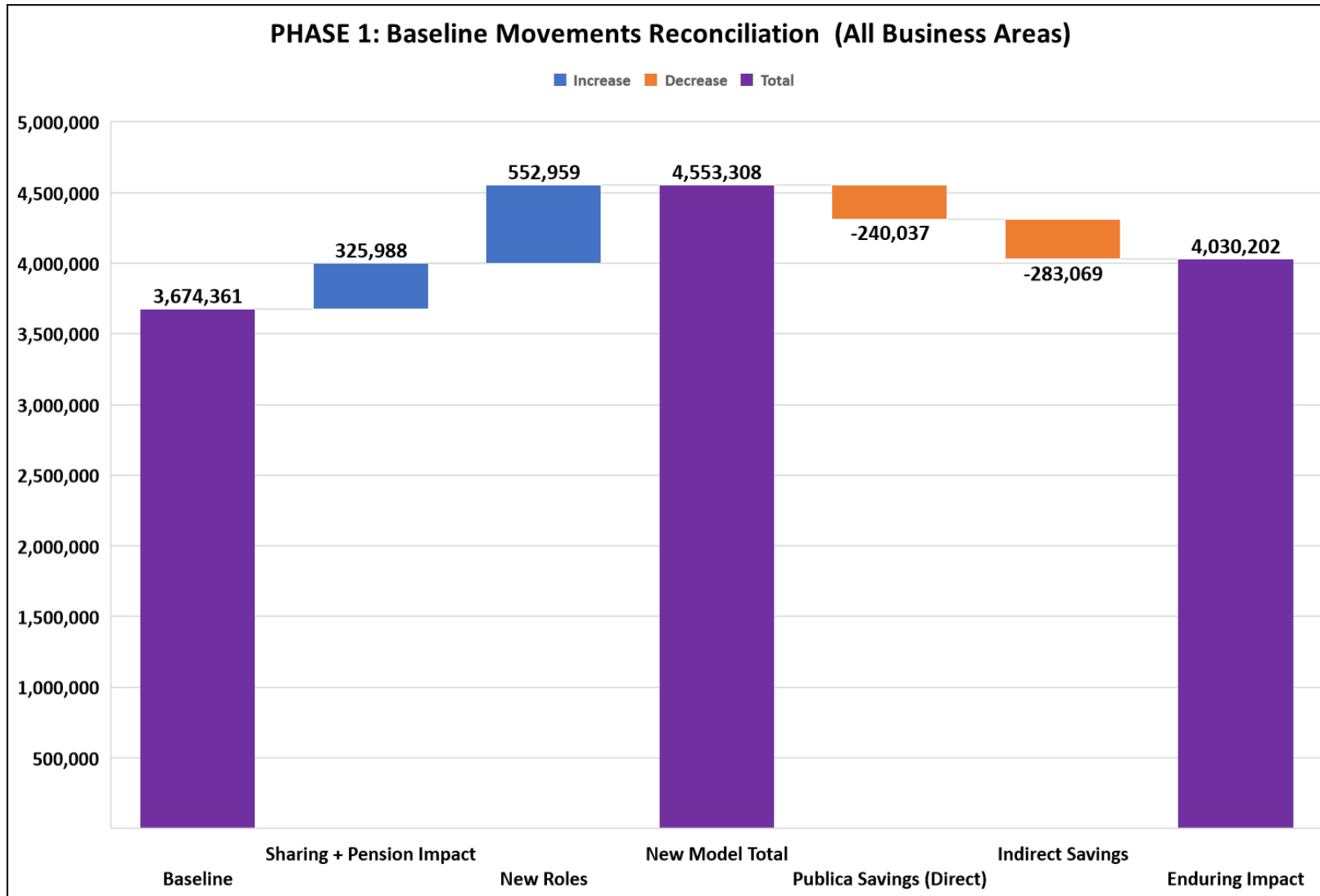
Explanation of headings in the Waterfall chart are listed below and assess in terms of robustness, confidence, and materiality on a **Red, Amber, Green** basis.



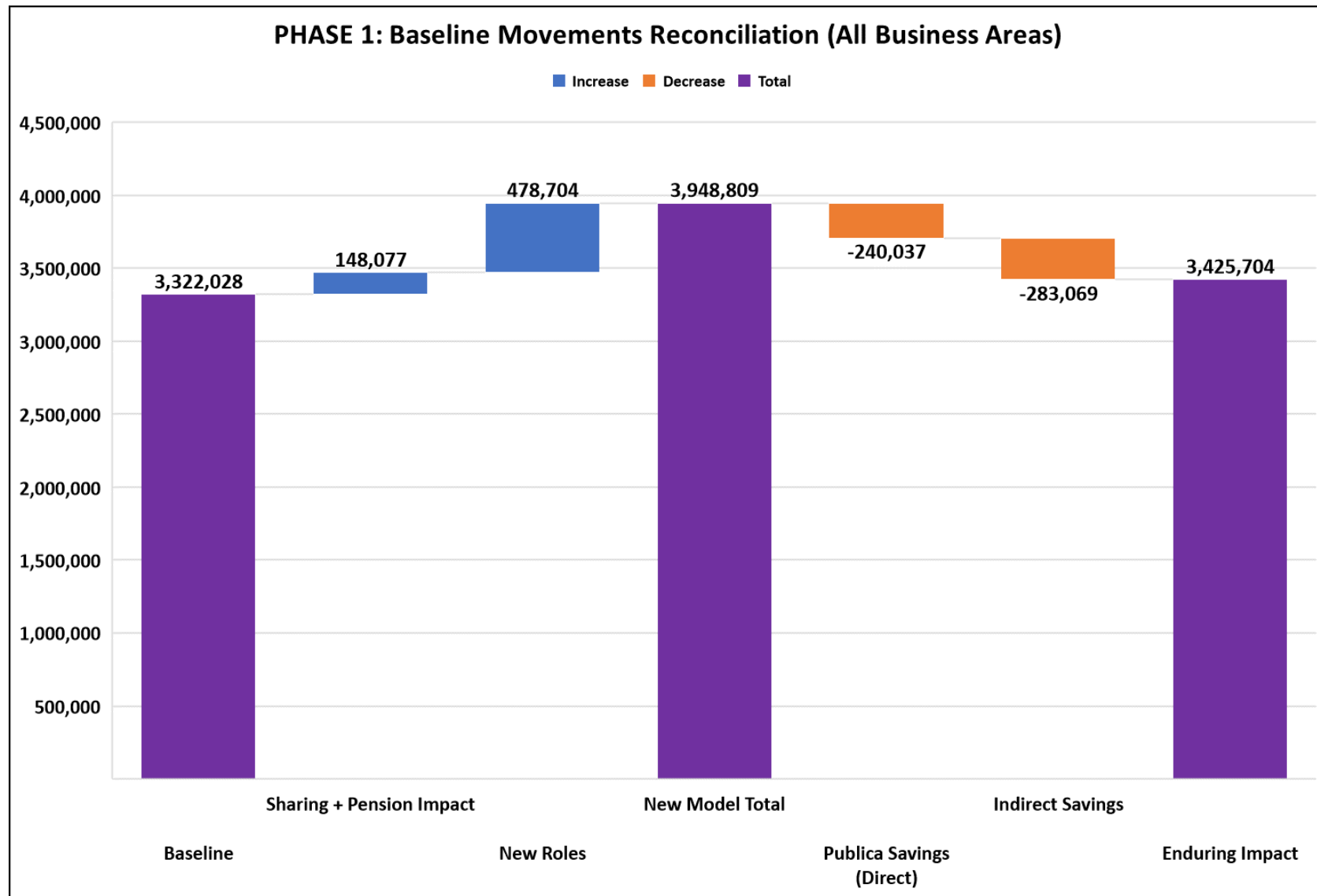
- **GREEN** 276 roles are included within the Phase I review.
- **GREEN** The Baseline cost represents the current cost of roles within each service area.
- **GREEN** 2.5% vacancy factor has been applied as an adjustment to the Baseline.
- **GREEN** The ‘Sharing + Pension Impact’ represents any impact of a change in split of current role, plus the increase in contributions for new LGPS memberships. This analysis assumes all roles are opted in.
- **AMBER** New Roles are reflective of any new positions created as part of the transition of services back to the Council. (Some of these roles may be offset by ‘Publica Savings (Direct)’)

- **AMBER** 'Publica CS reduction (Direct)' are those roles which do not naturally transfer to an equivalent position/role within the new Council Organisational structures.
- **AMBER** 'Indirect CS reduction' are informed by the Senior Management restructure across Publica:

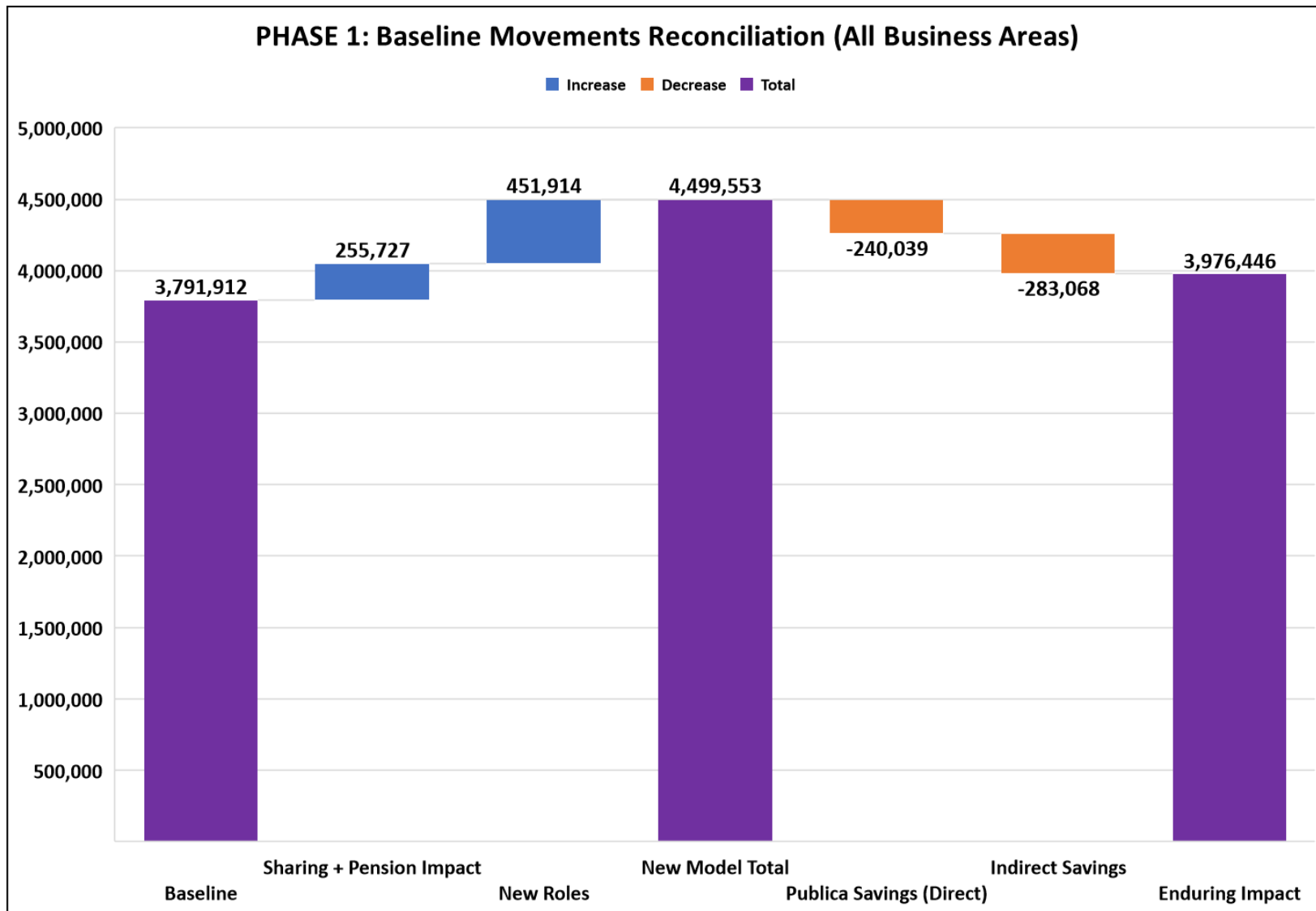
The table below summarises the Baseline (starting point) and Enduring Impact (end point) for Cotswold District Council, Forest of Dean District Council, and West Oxfordshire District Council.



FOREST OF DEAN DISTRICT COUNCIL



WEST OXFORDSHIRE DISTRICT COUNCIL



Sharing

The sharing of services is a key element of the design led principles. WODC and CDC have confirmed they are open to sharing certain roles, which would TUPE across. Sharing specialist expertise in this way should support WODC and CDC in the delivery of their corporate plan objectives avoiding the need to either recruit specialists that are not readily available or use of external service providers. It also makes optimal use of specialist skillsets that have been developed within Publica.

Civil Contingencies Act

All Councils have a statutory duty under the Civil Contingencies Act, and as part of this, Publica currently provides an on-call duty rota 365 days per year to cover Operational and Tactical response. This rota includes Assistant Directors, Business Managers and other key personnel who are trained in Emergency Response. It is assumed that those employees who are currently on the on-call rota will remain, whether they transfer to one Council or not, until a longer-term decision is made on how emergency planning will be managed moving forward. This will be covered through a Section 101 agreement. Strategic responsibility (Gold) will remain with the Statutory Officers for each Council.

Phase I

Aligned to the priorities expressed by Councils through the Transition planning process, service areas in Phase I will include:

- Democratic Services and Elections
- Forward Planning
- Development Management (but not 'planning validation and planning support')
- Ecology
- Conservation, Heritage & Design
- Building Control
- Economic Development
- Tourism
- Communities and wellbeing
- Climate change
- Strategic Finance (to include all finance roles apart from transactional finance (AP / AR), procurement, insurance and Treasury Management)
- Communications
- Strategic Housing
- Corporate Planning, policy and partnerships
- Executive Assistants and Support.

This currently totals 276 roles.

To support the three District Councils, HR Business Partners are to be seconded, one to each Council, ahead of transfer, meaning that there will be a dedicated in-house Council resource at an early stage to support the Councils directly pre- and post-transfer.

In the light of the significant number of posts being repatriated to each Council and in support of Councils' operations going forward, each District Council is to appoint a Director level post to join their senior leadership team (in a role called 'Director for Communities & Place' or similar). This is envisaged to take effect ahead of the Phase I 'go live', again, to support the transition of Phase I services to the Council and to ensure the smoothest possible transition, with no breaks in service. It is anticipated that Councils would open up such roles with appropriately drafted Role Specifications soon after the Councils resolve to approve the Transition Plan.

At the same time in moving significant numbers of people out of Publica and into the Councils, the Publica organisation will naturally change, with less senior management of a smaller cohort likely to be needed. An early paper setting out options in relation to a revised Publica, was presented at the Publica board at its 8 December 2023 Meeting. For Publica, a new structure has been costed which reflects the reduced size of the organisation, its reduced service needs and budget reflective of Phase I, which based on the agreed Publica Contract Sum for the current full financial year 2024/25 would see turnover reduce from circa £32.14m per annum to £21.56m. The savings associated with this have been taken in to Phase I.

Similarly, it has been assumed that Publica's board will be streamlined as the shape and size of Publica changes. The direction of travel implied by the Publica transition is that the Councils will wish to exert much more direct control than is the case today. This implies less need for boardroom independence as such and a boardroom that is reflective of an organisation structure that will be considerably reduced in scale. Currently the cost of operating the corporate entity is circa £100k per annum. The two largest elements of this are Non-Executive Director fees and external audit fees.

In re-structuring the Publica business, it is assumed that the number of Non-Executives could reduce. With a smaller board, the boardroom skillset is brought into sharper focus. It will be important that Non-Executives with the right individual and collective skills are selected to support and provide strategic oversight and governance to the Publica organisation. With no direction to engage in external trading, there may not be a particular need for independent external advisors to the business given that it is clear that the business will, going forward, be entirely focused on servicing internal Council shareholder focused business and with a narrower focus on support services, particularly systems and process related, as opposed to strategic aspects.

It would be sensible to close the dormant company entities as these have never been used. At the same time, it should be possible to streamline external audit and audit fees aligned to the streamlined business.

It is assumed that the Publica board is re-shaped soon after the end of the 2024 calendar year, after Phase I of the transition is completed. The result should be a simpler, more cost effective set up with no less effective governance, delivering a saving of circa £30k per annum.

It is assumed that with the significant changes to Publica, there would also be a budget re-basing for the 2026/7 financial year.

Recommendations:

Note the Cost Modelling for Phase I

8.0 Steps to Transition and Communications

Subject to the three District Councils deciding to proceed by the end of July 2024, transition timings are assumed to be as follows:

Phase 1 – ‘go live’ 1 November 2024.

A GANTT chart detailing the transition steps was developed by and is being managed and kept up to date by the PMO, focused principally on the steps required for Phase 1. This is available for viewing via the PMO. As soon as the three District Councils have made a decision to proceed with Phase 1, the Programme will move into an implementation phase to deal with the practicalities up to ‘go live’. Consultation will commence in September 2024 aligned to the 1 November target transfer date.

As mentioned, Local Partnerships envisaged that Phase 2 would take effect in/about March 2025. Once Councils have decided to proceed with Phase 1, detailed preparatory and planning work including financial modelling for Phase 2 can begin. The services identified as part of Phase 2 transition typically involve a number of employees working across more than one council. This phase has greater complexity and therefore careful planning and engagement with operational teams will be required ahead of implementation.

A Communications Plan outlining the key communication gateways has been developed and a full programme of communications leading to ‘go live’ will be delivered. There has been a targeted programme of communications up to this point. Going forward, a meeting with Trade Unions is planned for week commencing 1 July and meetings with Publica executives, affected employees (Phase 1) and with all employees in the week commencing 8 July. Publica will lead on the employee communications, however there will also be input from Council Chief Executives. In addition a set of FAQs has been developed in support of the process. As mentioned previously, an employee portal through which to deliver Council led communications will need to be developed for each of the three District Councils and work for this is underway. It is expected that frequent and targeted communications will be developed from the Councils’ decision to progress Phase 1 up to “Go Live” and beyond.

With continued focus on transition into 2025 and with a need for more traditional, rather than strategic, programme management capability in the PMO, it is recommended that from around October 2024, the Councils consider sourcing a Programme Manager to augment the PMO. At this stage it is anticipated that the role of the Interim Programme Director would begin to tail off from then until December to which the current brief runs, though this depends on the degree of progress made towards Phase 2. This was envisaged by the Human Engine report at around that stage as the emphasis on traditional Programme Management functions increases.

Recommendation:

Approve the Phasing for the Transition.

9.0 Post-Transition Support

In addition to a process of pre-transition due diligence, a transition of this kind is unlikely to be successful without significant post-transition support and investment on an ongoing basis. This is because the transition is engaged in the seeding and establishment of services from scratch within Councils that have not themselves delivered these services for a number of years. Culture needs to be built. This takes considerable time, typically 3 to 5 years minimum and requires significant and ongoing investment in time, particularly in senior leadership commitment and in an organisational development budget. This culture needs to reflect the 'design led principles' that shapes up how Council senior management and elected members want their Council to 'look and feel', including brand and identity. Results need to include:

- Improved Quality of Service for residents
- Improved environments
- Improved operational effectiveness
- Improved productivity

Change needs careful planning and good management. It also needs a full programme of ongoing support in each Council, training, Culture Change, through a Culture Development Plan, to include consideration of:

- Values
- Organisation culture and ways of working
- Key Performance metrics

It may be sensible to introduce consultative committees to drive improvement from the grassroots of each organisation, including in areas such as Health and Safety, particularly.

Looking forward, the new organisations will want to:

- Continuously consider organisational alignment to their evolving corporate plans
- Identify strengths and weaknesses in service delivery
- Ensure an optimal organisation structure and/or approach to service delivery.
- Ensure regular communication and engagement on objectives, opportunities and improvements
- Implement business plans, audit, review, and improvement through further engagement.
- Consider opportunities for further transition and change. This could include further insourcing or shared service arrangements.

Getting this right will also help the Councils in testing "the putative barriers to recruitment", mentioned by Human Engine as part of Option 6.

In addition, Councils will want to ensure that Publica, as its key support services delivery partner evolves and changes as they wish to evolve and change.

The process of transition and change is a dynamic one and one that will continue to evolve. The new organisations will want to **embody culture** from the top, **fuel this** from the middle and **drive this** from the grassroots of the organisations through active engagement. They will wish to promote inclusivity in support of cultural strengthening and to ensure, in a competitive

environment, the ability to attract and retain the best available employees to the organisations, ensuring that they have opportunities to thrive and grow within the organisations and in that way, support organisational and cultural development and prosperity and build the reputation of the organisations within their communities as employers of choice.

The Local Government Association is keen to support the council with the Publica Review through a further contribution from the South West Transformation fund. It is likely that this work will be in the form of assisting the Councils with advice, guidance and recommendations on the future form and function of both Publica and the councils.

In delivering service suites in-house within the Councils, Councils will want to ensure there is leadership from the top in building culture and that this involves key Members as well as Officers. The Chief Executives at each Council have been working with their retained management teams in terms of preparedness for the transition process and the responsibility for a greater number of employees. A programme of further senior level engagement and support may be needed in forming new senior teams that will take on these functions ideally, beginning before this happens.

Getting these aspects right, pre- and post-transition, with an appropriate degree of support, will be fundamental to being able to deliver effectively from “Day 1” after transition as there will then have been suitable preparation for this, smoothing the path to the upcoming and potentially ongoing change that will lie ahead. Ongoing change should be a realistic expectation for Councils and services going forward as demands and pressures change and technologies in support of delivery changes.

The starting point will be in building and embedding a culture of trust across the newly forming Council service delivery organisations as part of strengthening each organisation and ensuring that dynamic conversations of this kind are continuous, with wide engagement. Investment into leadership training and development across the Councils and Publica may be helpful in building the leadership culture needed to take the organisations forward.

Recommendation:

Note the need for Post-Transition support

10.0 Conclusions / Summary Recommendations

This Detailed Transition Plan is designed to deliver key operational objectives for the three District Councils as an evolution of earlier work carried out by Human Engine and Local Partnerships to repatriate most services from Publica. At this stage the focus is on Phase I as the relevant service areas are largely comprised of roles that are now, have always been and will be 100% to a particular Council. In progressing with Phase I, Councils will have much more direct control than before and should be better placed to shape services with residents at the heart.

A number of recommendations have been made throughout this report which are summarised here:

Section 2, Transition Planning. This sets out how the Transition Programme has been taken forward, the Design Led principles and summarises the key goals for the Transition. Recommendations:

1. Note the Design Led principles.
2. Note the Key Goals for the Transition.

Section 7, Modelling Assumptions and Outputs. This sets out the assumptions that have been used in the modelling and the outputs relevant to Phase I.

Recommendation: to note the cost modelling for Phase I.

Section 8, Steps to Transition and Communications. This sets out the proposed phasing for the Transition and key actions.

Recommendation: to approve the phasing for the Transition.

Section 9, Post-Transition Support. This outlines how Councils might take forward the development of culture and ways of working.

Recommendation: to note the need for Post-Transition support.

APPENDIX I – Project Initiation Document (Publica)

Publica transition plan programme

Programme Brief

Aim: To develop and implement a comprehensive transition / change strategy following a decision to transfer the majority of services to each Council.

The success of this programme will be measured through cost, the smooth return of services to the Councils' direct management and the continued smooth running of core transactional functions via Publica.

Background: In October 2023 the Leaders of Cotswold District (CDC), Cheltenham Borough (CBC), Forest of Dean District (FoDDC) and West Oxfordshire District (WODC) Councils announced their intention to transition the majority of services from Publica to Councils. This announcement was a result of a review of Publica carried out on their behalf by Human Engine, a management consultancy. The key question that the Councils asked Human Engine to report on was: **“How will the Councils’ ensure financial and service sustainability and what are the right operating models for the future?”** The recommendation of this review, which has subsequently been approved subject to due diligence, is Option 6: Retain Selected Services. The Councils therefore now wish to retain selected services within Publica and return the majority of services to the Councils, or operate these on a shared basis or via some other model on a case by case basis.

Objectives:

- Develop a transition/change strategy
- Develop a transition plan
- Carry out due diligence, financial, legal and HR prior to seeking agreement to transfer services
- Seek approval of matters in accordance with schemes of delegation
- Coordinate the transition programme activity with individual transition activity at each of the Councils and Publica
- Make any necessary changes to Council constitutions, Publica Articles of Association and contracts
- Transfer employees, budgets, HR/payroll data, email addresses
- Work collaboratively with stakeholders at all levels to execute the transition in a synchronised manner to reduce impact on people and services
- Manage change and communications with stakeholders
- Manage risks to reduce impact on people and services

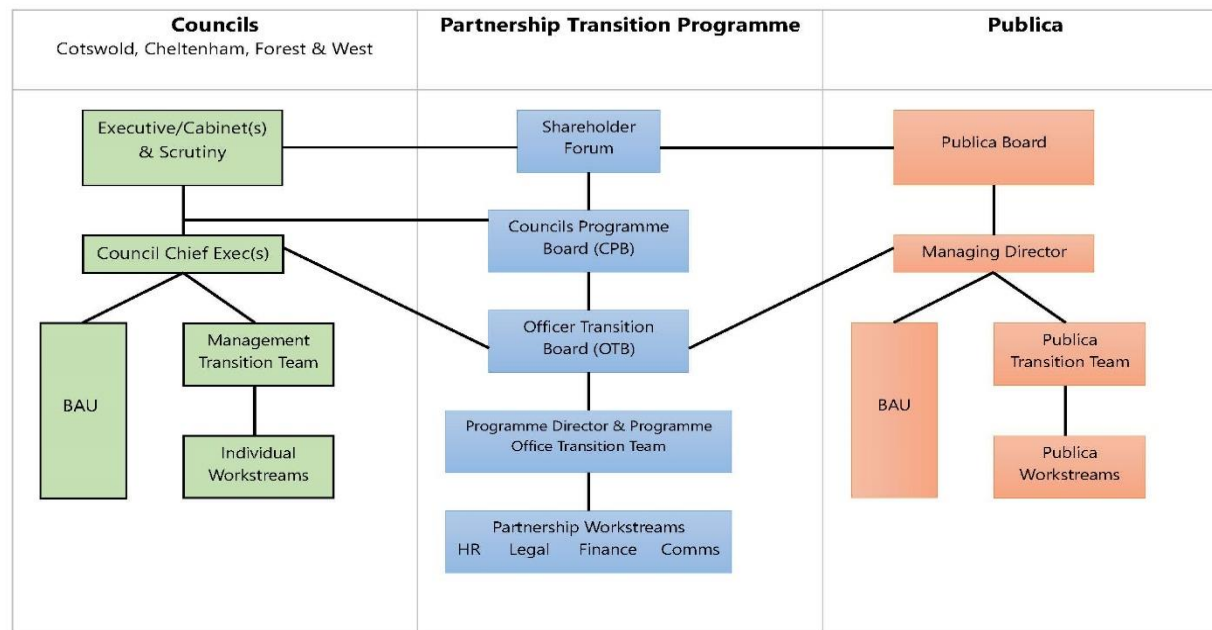
- Ensure effective programme, project management and risk management throughout transfer
- Ensure probity

Context: This work will need to take into account Employment Law, in particular TUPE regulations, the statutory requirement placed on s151 officers to ensure a balanced Council budget over a 5 year period, Company Law in relation to changes to Articles of Association and contracts, continuity of pay during transfers and continuity of service during transfers, changes to pension liabilities.

Funding: One off programme funding and transition costs – shared equally between 3 councils (CDC, FoDDC, WODC)

Approach: The following diagram outlines the Publica Transition Plan Programme Governance Framework. The programme board is accountable for the successful delivery of the programme and realisation of the consequent benefits.

Transition Programme Governance Framework



Each partnership workstream, individual Council workstream and Publica workstream will have a single responsible workstream lead. Each workstream will produce a workstream brief, risk register and implementation plan agreed by the programme board and provide regular progress reports to ensure successful coordination of the transition. Where there is a lot of activity to manage that is on the critical path, workstreams will involve a project manager.

Partnership workstream leads will be responsible for coordinating activity with individual workstreams.

An overall transition plan and risk register (of significant/escalated risks) will be managed by the programme director and overseen by the programme board.

Key stakeholders: This is a significant and complex change that has the potential to unsettle staff and hence have an impact on services. As such excellent change management and effective collaboration amongst stakeholders will be critical to the success of this programme and the ongoing success of benefits realisation. Key stakeholders are staff, managers, senior leadership, trade unions, Cabinets/Executive, Scrutiny, Shareholder Forum and Publica Board,

Key risks: A risk register will be developed. Primary risks are around staff retention, staff morale, service provision, cost of transition, compliance with employment law and accuracy of financial due diligence, in support of timely decision making.

Reason for this piece of work:

The council's aims are:

- More autonomy over service delivery and shaping future services
- Greater control over service spend
- Greater ability to recruit
- Council specific focus on key service areas and programmes
- Ability to be more 'fleet of foot' - shaping services specifically to the needs of residents and communities rather than adopting a one size fits all approach

The **expected benefits**, as summarised in the Human Engine report are:

- i. Provide flexibility for councils in their approach to delivering individual strategic objectives and greater responsibility in doing so.
- ii. Return a critical mass of strategic oversight to councils, enabling councils to better manage the strategic direction of the organisation.
- iii. Increasing capacity within each council's core operating team(s).
- iv. Greater ownership to deliver own savings plans, through a range of different service arrangements that best align to each council's priorities.
- v. Provides individual council identity for services where this is not currently the case and ensuring council identity where services are delivered through Publica hosted but council specific teams (for example, Planning Services).
- vi. Maintain services within the current model where there is agreement that the service is working well – and therefore removing risk of performance reduction during transition.
- vii. Maintain economies of scale and resilience in back-office services where there is less need for a council-specific USP.
- viii. Reduce the risk of recruitment challenges for local government specific roles.
- ix. Minimising risk disruption to large stakeholder groups (staff, residents, businesses) through the ability to prioritise (or deprioritise) services to be

retained.

x. Reduction in corporate overheads of services retained in the Publica model.

APPENDIX II – Transition Framework

Phase	Action	Features	Points to note	Indicative timescales	Dependencies
I	Programme office set up Completed	Membership, TOR, reporting mechanisms	Staff roles and responsibilities agreed and staff seconded into teams TOR for programme agreed PID produced Meeting schedule developed Project plans including timelines, dependencies, milestones established	Immediate	Reporting lines to be established e.g. to each council's cabinet Delegation of authority/decision-making agreed
I	Creation of Programme Board to support alignment of all stakeholders Completed	Articulation of agreed principles underpinning the project	Any red lines of each council to be noted Recorded and minutes of meeting required	Immediate	Details may take time to be agreed
I	Development of Target Operating Model Completed	Stages of transfer, confirm which services are moving and when, what is remaining in Publica Development and agreement of design-led principles	Ethos of new organisations to be established and new organisation design developed – see below Early indication of the future look of Publica and its relationship with councils Review services coming across and in what order Defining new approach e.g. more commercial approach to service delivery Councils may not all agree on principles and phasing of transition	Immediate	Other partnerships (shared services) may be being considered in parallel but not to be a distraction Agreement may not be reached by June 2024
I	Organisational Design Model incorporating	Review current management	Review the current management structure within each council in order to identify any	June 2024	TOM / Design principles to be

	individual organisations organograms Completed	structure to ensure adequate capacity to manage and lead future insourced functions	functional/capacity gaps e.g. Human Resources, OD/Culture and transformation requirements Primary responsibility sits with each of the councils to determine their own organograms with the assistance of Publica to share details on current staffing arrangements/alignment etc. Purpose to set a clear direction of travel for the councils, to review and evaluate and update its practices, policies, procedures and ways of working, ensuring an improved customer experience post transfer of services		agreed to trigger what is implemented
1	Development of Target Operating Model Completed				
Phase I outcome: a settled and detailed transition plan ready for cabinet approvals					
2	Financial plans and future operating budgets developed and agreed	Detailed financial analysis of impact of transfer	Costs of transfer including programme board costs, transfer related costs, any redundancies, branding etc. Benefits may be measured against these	June 2024	Depending on decision regarding Publica's future look
2	Consultation with recognised Trade Unions	Establishing a partnership approach with Trade Unions so that their views and those of their members can be taken into	Dialogue should commence in good time to allow for meaningful consultation (and where appropriate) negotiation and as a minimum in line with statutory requirements Consultation documents to be developed including business case for change, benefits	July 2024	TOM and Organisation Design/ organograms completed and approved.

		consideration when developing transitional plans.	to services to be realised, current and future establishments and any resulting impacts on staff etc		Financial plans and budgets developed and agreed
2	Communications	Staff engagement strategy required. Regularised updates to be shared with elected members including backbenchers	Engagement and Communications strategy developed and detailed plan produced utilising Platforms e.g. Yammer	July 2024	
2	Individual Employee Consultation	Within the wider consultation process and in addition to the formal consultation process undertaken between management and Trade Union representatives.	Individual consultation with affected staff should commence once business case for change has been developed and shared with Trade Unions Employees given the opportunity to express their own preference as to where they transition to prior to any final decisions being taken by management	July 2024	Consultation document prepared and shared with Trade Unions.
2	Managing Change protocols	Single agreed set of protocols to be developed and consistently applied by all councils when filling new vacancies arising out of TOM /Organisation Design.	A single, transparent, fair and equitable approach to 'Managing Change' protocols should be developed and adopted by all parties in consultation with Trade Unions, incorporating i) appointment process ii) redeployment process iii) Pay protection and iv) Employment law	Post July 2024	

2	Organisation Development/Culture change programme	Encouraging dialogue/ identify Staff champions	Recognising that change is a difficult process consideration as to how staff will be supported through the transition should be developed Managers will have a key responsibility throughout the process and therefore, appropriate OD interventions, training and use of other support facilities should be made available	Post July 2024	Link to communications and organisational design and development review.
2	Internal Governance	Identification of all relevant governance boards and reporting lines to each by the Officer Transition Board Consideration of cross-party working group	Audit and Scrutiny Committee Cabinet Shareholder Forum Scrutiny Panel Formation of Member Transition Group to be considered All-member briefing to gather views on what 'success' looks like	Post July 2024	
2	Publica governance	Implementation of new governance system for Publica following transfer	Shareholder Forum revised to meet current needs Revised structure of Publica board	Post July 2024	
2	Risk management	Development of risk register	Monitoring arrangements	Post July 2024	
2	Transfer of existing staff	Transfer of staff from Publica to sovereign councils	Regulation 3 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply where a service provision of an organised group is	Post September 2024	

			transferred back into one or more of the councils Since TUPE transfers can be detailed, time consuming and fought with legal and contractual challenges, Councils are recommended to obtain specific and more detailed HR and legal advice a part of the Officer Transition Board	Indicatively: Phase 1 – 6 months	
2	Transfer of other assets	As above	As above	As above	
Phase 2 outcome: completion of phase 1 transfers in October 2024					
3	Development of new roles e.g. client commissioner roles, new senior team officers	Client roles to be set up to manage contracts remaining with Publica	May be drawn/appointed from Publica transferees subject to Managing Change protocols	Post July 2024	
3	Explore further opportunities for sharing	Opportunities to share between each other and/or with others	This could be carried out as a second stage	Post July 2024	
3	Benefits realisation assessment	Reviewed regularly to ensure no problems escalate	Part of Transition team's remit and circulated to stakeholders	Post July 2024	
Phase 3 outcome: Completion of identification of further operational efficiencies leading to phase 2 transfer					

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**Equality and Rurality Impact Assessment Form –
Section 8 of CDC- Draft Transition Plan Covering Report July 2024**

When completing this form you will need to provide evidence that you have considered how the ‘protected characteristics’ may be impacted upon by this decision. In line with the General Equality Duty the Council must, in the exercise of its functions, have due regard for the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This form should be completed in conjunction with the guidance document available on the Intranet

Once completed a copy should be emailed to cheryl.sloan@publicagroup.uk to be signed off by an equalities officer before being published.

1. Persons responsible for this assessment:

Names: Andrew Pollard, Interim Programme Director	
Date of assessment: 24/06/2024	Telephone: 01993861297 Email: andrew.pollard@westoxon.gov.uk

2. Name of the policy, service, strategy, procedure, or function:

Is this a new or existing one?
New. Proposal to in-source a number of services currently provided by Publica, back into the respective Councils (Cotswold, West Oxfordshire, Forest of Dean). This will impact circa 270 job roles, currently delivered through Publica.

3. Briefly describe its aims and objectives

<ul style="list-style-type: none"> • A more focused and defined approach to driving each council’s priorities through their corporate plan strategies. • Greater clarity and focus for those functions remaining with Publica. • Greater clarity over roles, responsibilities and accountabilities – and where direction is set from. • How performance and value for money is understood and managed and how it can be more clearly defined and measured. • Simplification of processes and in determining whether and how resources can be deployed and redeployed as priorities shift.
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- Greater responsiveness and agility so as to be able to deliver Member priorities.
- Greater focus on locality and local services.
- Employing people locally, using this in support of economic growth (e.g. apprenticeships), being more accessible and visible and foster the spirit of communities.
- Much better definition between Policy and high-level strategy on the one hand and delivery on the other. More defined control.
- Opportunity to group services to accelerate efficiencies, by identifying synergies between certain services before moving and re-defining services.
- Being responsive and business-like – adopting a more commercial mindset when considering engagement with businesses, residents and key stakeholders, ensuring a cost recovery approach is implemented whenever possible to maximise service efficiencies.
- Better focus and ability to drive the sustainability agendas of all Councils.

4. Are there any external considerations? (e.g. Legislation/government directives)

Services that are proposed to transfer from Publica back into the Council will be statutory services and therefore a smooth transition with minimal impact to BAU is required.

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5. What evidence has helped to inform this assessment?

Source	✓	If ticked please explain what
Demographic data and other statistics, including census findings	<input type="checkbox"/>	
Recent research findings including studies of deprivation	<input type="checkbox"/>	
Results of recent consultations and surveys	<input type="checkbox"/>	
Results of ethnic monitoring data and any equality data	<input type="checkbox"/>	
Anecdotal information from groups and agencies within Gloucestershire	<input type="checkbox"/>	
Comparisons between similar functions/policies elsewhere	<input type="checkbox"/>	

Analysis of audit reports and reviews	X	The proposal to insource services has been developed through the commissioning of two reviews/reports from Human Engine and Local Partnerships. Links to reports can be found here: Human Engine Report: Strategic Review of Publica Services Local Partnerships Report: Insourcing from Publica
Other:	<input type="checkbox"/>	

6. Please specify how intend to gather evidence to fill any gaps identified above:

If the proposal is approved through Cabinet / Executive, Council and Overview and Scrutiny, a full meaningful consultation process will commence with the services and roles that are impacted by this proposal. This will be a formal consultation process under the Transfer of Undertakings, Protection of Employment (TUPE). Any feedback from the consultation process will feed into the decision-making and any proposals which are then taken forward.

7. Has any consultation been carried out?

No

Formal consultation will commence should the proposals be agreed at Cabinet / Executive, Council and Overview and Scrutiny, which will be subject to formal consultation.

Consultation will commence in September and is scheduled to be completed early to mid-October, with a proposed transfer date of 01/11/24.

If NO please outline any planned activities

8. What level of impact either directly or indirectly will the proposal have upon the general public/staff? (Please quantify where possible)

Level of impact	Response
NO IMPACT – The proposal has no impact upon the general public/staff	<input type="checkbox"/>
LOW – Few members of the general public/staff will be affected by this proposal	<input type="checkbox"/>
MEDIUM – A large group of the general public/staff will be affected by this proposal	X
HIGH – The proposal will have an impact upon the whole community/all staff	<input type="checkbox"/>
<p>Comments: e.g. employees will be impacted by this proposal. Circa 270+ roles have been identified as potentially transferring under TUPE subject to consultation. TUPE will protect the terms and conditions of employees who transfer.</p> <p>There will be a small number of employees who will fall outside of TUPE due to their roles being fragmented. A formal consultation process will also be completed for these employees.</p>	

9. Considering the available evidence, what type of impact could this function have on any of the protected characteristics?

Negative – it could disadvantage and therefore potentially not meet the General Equality duty;

Positive – it could benefit and help meet the General Equality duty;

Neutral – neither positive nor negative impact / Not sure

	Potential Negative	Potential Positive	Neutral	Reasons	Options for mitigating adverse impacts
Age – Young People			x	Under TUPE, the new employer should step into the shoes of the old employer, with minimal impact on the transferring employees.	<p>A formal consultation process will be undertaken with all employees who are in scope.</p> <p>Anyone in roles that are fragmented and will not remain shared will have the opportunity to take on new roles at one of the Councils.</p> <p>Any employee who is not on a Local Government Pension scheme will be auto-enrolled onto LGPS.</p>
Age – Old People			x		
Disability			x		
Sex – Male			x		
Sex – Female			x		
Race including Gypsy and Travellers			x		
Religion or Belief			x		
Sexual Orientation			x		
Gender Reassignment			x		
Pregnancy and maternity			x		

Geographical impacts on one area					
Other Groups					
Rural considerations: i.e. Access to services; leisure facilities, transport; education; employment; broadband.					This will not be impacted as the same service will be delivered, it will just be managed directly by the Council rather than through Publica.

10. Action plan (add additional lines if necessary)

Action(s)	Lead Officer	Resource	Timescale
Employee Consultation	Cheryl Sloan / John Llewellyn	Supported by HRBPs	Commencing 2 nd September 2024.

11. Is there anything else that you wish to add?

--

Declaration

I/We are satisfied that an equality impact assessment has been carried out on this policy, service, strategy, procedure, or function, and where a negative impact has been identified actions have been developed to lessen or negate this impact. We understand that the Equality Impact Assessment is required by the District Council and that we take responsibility for the completion and quality of this assessment.

Completed By:	Andrew Pollard	Date:	24 June 2024
Line Manager:		Date:	
Reviewed by Corporate Equality Officer:	Cheryl Sloan	Date:	24 June 2024

Agenda Item 8



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL – 31 JULY 2024
Subject	BUSINESS AND PLANNING ACT 2020 – UPDATE TO PAVEMENT LICENSING REGIME
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 Resident Services Email: democratic.services@cotswold.gov.uk
Report author	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: democratic@cotswold.gov.uk
Summary/Purpose	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.
Annexes	Annex A – Copy of draft Pavement Licensing Policy
Recommendation(s)	That Full Council resolves to: I. Approve the draft Pavement Licensing Policy and Fees, attached at Annex A.
Corporate priorities	<ul style="list-style-type: none"> • Delivering Good Services • Supporting the Economy
Key Decision	YES
Exempt	No
Consultees/ Consultation	Planning and Licensing Committee at its meeting on 12 June 2024 approved to recommend the policy and fees to Full Council.



1. EXECUTIVE SUMMARY

- 1.1** This report introduces an amended Pavement Licensing Policy following The Levelling Up and Regeneration Act making the temporary pavement licensing regime permanent. Any new or existing applications made after 31 March 2024 must be dealt with under the new regime.

2. BACKGROUND

- 2.1** The Business and Planning Act 2020 (“the Act”) was introduced in 2020 to support various business sectors including hospitality. This Act included numerous temporary relaxations to existing legislations including the introduction of the Pavement Licensing regime which permitted businesses to apply to the Local Authority for a licence to use outside space to extend the trading area available for consumption of food and drink during the pandemic.
- 2.2** The Levelling Up and Regeneration Act now makes permanent the Pavement Licensing regime under the Business and Planning Act 2020.
- 2.3** Cotswold District Council currently has a total of 12 licences across the District.

3. MAIN POINTS

- 3.1** Amendments have been made to the draft Policy to reflect the changes in legislation. These changes include:
- Increasing the minimum consultation period from 14 days to 28 days.
 - Expanding the licence validation from 12 months to 24 months.
 - Increasing the capped fees for a new licence from £100 to £500.
 - Introducing a renewal fee, capped at £350.
 - Enforcement powers to give notice to businesses without the required licence and enable the Council to remove and store furniture from the relevant highway and recover the costs from the business.
 - The ability to amend a licence in certain circumstances with the licence holder’s consent.
- 3.2** For those licences already granted prior to 30 March 2024, these will remain valid until their expiration date on the licence of 30th September 2024. Once expired, businesses will need to apply for a new licence. If the application is made by the same licence-holder, in respect of the same premises, and is on the same terms as the expired licence, the Council will treat this as a renewal application.



3.3 To ensure that the Council is reimbursed for the administration of this service a cost analysis has been undertaken. Proposals for the new costs for this service is as follows:

- New Licence Fee £185.00
- Renewal Fee £150.00

4. ALTERNATIVE OPTIONS

4.1 There are no alternative options.

5. FINANCIAL IMPLICATIONS

5.1 The licensing service should set fees on a cost recovery basis. The Council will not be reimbursed for any costs if no fee is set. Therefore, if the Committee determines to not charge a fee the work will need to be subsidised by the Council. Given the small number of licences issued by the Council, the increase in fee will not have a significant impact on forecast licensing income scheduled in the 2024/25 Budget and Medium-Term Financial Strategy

6. LEGAL IMPLICATIONS

6.1 The legal implications are contained within the body of this report. The Planning and Licensing Committee holds the delegated powers for the amendment of the Policy and fee.

7. RISK ASSESSMENT

7.1 No risks have been identified.

8. EQUALITIES IMPACT

8.1 Not directly applicable to this decision.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There are no direct climate change implications arising directly from this report.

10. BACKGROUND PAPERS

- None

(END)

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COTSWOLD
DISTRICT COUNCIL

Cotswold District Council

Pavement Licensing Policy

Revised April 2024

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I. INTRODUCTION

The Business and Planning Act 2020 (“the Act”) was enacted to promote economic recovery and growth in response to the economic impacts of the global Covid-19 pandemic. The Act included urgent provisions designed to make it easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

Sections 1 to 10 of the Act created a temporary regime for the issuing of “pavement licences” by appropriate local authorities. Cotswold District Council (“the Council”) is the appropriate local authority for issuing pavement licences in the administrative area covered by the Council.

The process introduced a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. The aim of the legislation was to support businesses to operate safely while social distancing measures remained in place and to provide much needed income over the summer months and protect as many hospitality jobs as possible.

The Levelling Up and Regeneration Act 2023 now makes permanent the provisions set out in the Act and all applications received after 31 March 2024 will be administered under the new regime.

2. SCOPE

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Eligible businesses include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for the consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A (1) of the Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over Crown land are exempt so a licence cannot be granted.

2.4 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable and related to the serving, sale and consumption of food or drink, which, in principle, means it is not a permanent fixed structure, and is able to be moved easily, and stored away at the end of the evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.5 Planning Permission

If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

2.6 Existing tables/chairs

The new pavement licence regime runs alongside the provisions in Part 7A of the Highways Act 1980, which remain in place.

Any existing permissions issued under Part 7A of the Highways Act 1980 remain valid.

Any existing tables/chairs that have been placed on the highway without permission under Part 7A of the Highways Act 1980 will require licensing under this regime.

3. APPLICATION AND DETERMINATION OF PAVEMENT LICENCES

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council on the appropriate form, and accompanied by:

- A plan showing the location of the premises marked by a red line, so the application site can be clearly identified
- A plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items of furniture to be placed on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- Photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied.

The applicant must also have public liability insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million before the licence can be utilised.

If a Traffic Regulation Order is required, the applicant must ensure that this permission is in place prior to applying for a Pavement Licence.

An application will not be considered complete (valid) until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.

All expired licences will be treated as new applications. If a licence holder applies for a renewal before the expiration of the existing licence, this will be treated as a renewal. The applicant must advertise the application for a period of 14 days. If the application is for the same layout only a copy of the public liability insurance will be required. If there is a change to the original layout, all documents will be required (e.g. plan, photographs of furniture etc.). A fee will be due in both cases.

3.2 Fees

The fee for applying for a new licence under the process is set locally but capped at £500. The Council has determined that the fee for new applications will be £185.

The fee for applying for a renewal licence is set locally but capped at £350. The Council has determined that the fee for renewal applications will be £150.

3.3 Consultation

Applications are consulted upon for 14 days, starting on the day after a valid application is received by the Council.

The Council will publish details of the application on its public access register at www.cotswold.gov.uk

The Council is required by law to consult with the Highway Authority. In addition, to ensure that there are no unacceptable detrimental effects arising from the application proposals, the Council will consult with:

- Cotswold District Council Planning teams
- Cotswold District Council Food, Health and Safety team
- Cotswold District Council Operations (Environmental Health) team
- Gloucestershire Police
- Town/Parish Councils
- Ward Members

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

The applicant must, on the day the pavement licence application is made, fix a Notice of the application to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises. The Notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the Site Notice requirement having been complied with must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and the name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (14 days starting the day after the valid application is submitted to the Council).

A Site Notice template is shown as Appendix I.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposal:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter? and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises;
 - the recommended minimum footway widths and distances required for access by mobility-impaired and visually impaired people as set out in Section 4.2 of [Inclusive Mobility](#);
 - the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up of furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people, and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council, and to take any issues around noise, and nuisance into consideration as part of the proposal. Discussions with neighbours should consider any plans neighbouring businesses have also to place tables and chairs on the highway and plans for customers to queue outside.

3.6 Determination

Once the valid application is submitted the Council has 28 days from the day after the application is made (excluding public holidays) to consult upon and determine the application. This consists of 14 days for public consultation, and then 14 days to consider and determine the application after the consultation end date.

If the Council determines the application before the end of the determination period it can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

If the Council does not determine the application within the 14-day determination period, the application will be deemed to have been granted.

The following are authorised to grant or refuse applications, and to revoke a Licence which has been granted:

TABLE OF DELEGATIONS	
Decision	Delegated to
Grant of an application where no objections have been received during the consultation period	Business Manager responsible for the Licensing Service or Licensing Team Leader
Grant or refusal of an application where objections have been received during the consultation period	Business Manager responsible for the Licensing Service or Licensing Team Leader following consultation with the Chair of the Planning and Licensing Committee
Revocation of a Licence	Business Manager responsible for the Licensing Service or Licensing Team Leader following consultation with the Chair of the Planning and Licensing Committee

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and the appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement Licences between 08:00 and 22:00 hours. Applicants are encouraged not to apply to operate outside of these times.

Applications outside these hours will be assessed in terms of the criteria detailed above regardless of whether objections have been made or not. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 14 days, beginning with the first day after the public consultation period, excluding public holidays) it can specify the duration of the licence, subject to a minimum duration of three months.

The expectation from the Government is that Councils will grant licences for 24 months unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. As such, the Council will normally grant applications for a two-year period.

If a licence is 'deemed' granted because the Council does not make a decision on an application before the end of the determination period, then the licence will be valid for two years starting on the first day after the determination period.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Licence or if relevant representations are made which cannot be mitigated by conditions, then the application may be refused.

There is no statutory appeal process against a decision to refuse an application.

A business may apply again after refusal but will have to make a new application with an additional fee and address the concerns raised in the original application.

4. CONDITIONS

The Council's standard conditions can be found at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case-by-case basis, and the Council will confirm the reasons why any additional conditions have been imposed.

The Act contains two national conditions that all granted and deemed granted licences must adhere to if the Council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions. The two conditions are:

- a no-obstruction condition
- a smoke-free seating condition

The Council's published conditions make provision for these conditions, but for the sake of transparency, the national conditions are detailed in Appendix 3 to this document.

The Act also allows for the Secretary of State to produce, via Regulations, conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the Council. If such conditions are created, this guidance will be amended to reflect them, and all licence holders will be notified of any changes this may create.

Where a Council sets a local condition that covers the same matter as set out in national conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

5. ENFORCEMENT

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. It remains the case that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing and social distancing controls. An applicant must ensure such permissions are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a Notice requiring the breach to be remedied and the Council can take action to cover any costs.

The Council can give notice to businesses that have placed furniture on the relevant highway without the required licence. If furniture continues to be placed on the highway, in contravention of the notice, the Council may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture, and refuse to return the furniture until those costs have been paid. If within three months of the notice being served, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

The Council can amend a licence in certain circumstances with the licence holder's consent.

The Council may revoke a licence in the following circumstances:

1. For breach of condition (whether or not a Remediation Notice has been issued), or
2. Where:
 - there are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food but had applied for a licence where tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the Notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.
4. Any requests for revocation will be raised by the Officer and determined in consultation with the Chair of the Planning and Licensing Committee

6. REVIEW PROCEDURES

This Policy covers the Permission for Pavement Licences under the Business and Planning Act.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Licences generally, relevant social distancing measures or as a result of local considerations within the Cotswold District.

BUSINESS AND PLANNING ACT 2020

NOTICE OF APPLICATION FOR GRANT OF A PAVEMENT LICENCE

I / We(1)

Do hereby give notice that on (2)

I / we have applied to Cotswold District Council for a pavement licence at:

.....
..... (3)

known as..... (4)

The application is for:

.....
..... (5)

Any person wishing to make representations to this application may do so by writing to ers@cotswold.gov.uk by:

..... (6)

The application and information submitted with it can be viewed at:

www.cotswold.gov.uk

Signed

Date (7)

Guidance notes on completing this notice of application

Complete the notice by putting the following information in the numbered spaces:

- (1) Name of the applicant
- (2) Date the valid application is made (submitted)
- (3) Postal address of the premises
- (4) Name the premises is known by
- (5) Brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink).
- (6) Last date for representations being the date 14 days after the date the valid application is submitted to the local authority (excluding public holidays)
- (7) The date the notice was placed (must be the same date as (2) above)

On the same day that the valid application is made, a completed copy of this notice must be fixed to the premises so that it is readily visible to, and can be easily read by, members of the public who are not on the premises. It should be secured so that the notice remains in place until the end of the 14-day public consultation period.

Failure to comply with this requirement may lead to the revocation of any licence granted or deemed granted.

Standard Pavement Licence Conditions

Please note that these conditions are not an exhaustive list. Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate.

Where a licence is deemed granted, the applicant is deemed to be a 'licence holder' and is required to comply with all of the below conditions. In such circumstances, references to 'licensed area' should be understood to mean the area proposed for licensing within the application.

1. The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will:
 - (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) prevent any use of vehicles which is permitted by a pedestrian planning order, or which is not prohibited by a traffic order,
 - (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport's [Inclusive Mobility](#) document.
3. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.
4. Permission to operate a pavement café does not imply an exclusive right to the area of public highway. The licence holder must be aware that Cotswold District Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements or any other reasonable cause. This may mean that the pavement café will need to cease operating and/or be removed for a period of time. On these occasions, there would be no compensation for loss of business.

5. Tables and chairs must not be placed in position outside of the permitted times of the pavement licence. All tables and chairs and other furniture must be stored securely inside a premises away from the highway outside of these times.
6. The licence holder must ensure that furniture is positioned in such a way so as to ensure compliance with the relevant Government guidance on social distancing that is in place at any particular time and that staff can service the space in a manner that does not compromise their health and safety or the health and safety of customers.
7. Unless another more restrictive condition has been attached to the licence in response to particular concerns raised during the public consultation period, the licence holder must not place any furniture on the highway in pursuance of this licence before 08:00hrs on any day and must remove all furniture placed on the highway in pursuance of this licence when the premises closes or by 22:00 hours on any day, whichever is the earliest.
8. The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million.
9. The area of the highway covered by the licence must be kept clean and tidy at all times. This will include washing down the area and removing any refuse and litter on the highway in the vicinity of the removable furniture.
10. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.
11. The licence holder is not to make or cause to be made any claim against the Cotswold District Council or Gloucestershire County Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
12. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions (see Appendix 3).
13. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
14. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
15. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc., will be recovered in full from the licence holder by Cotswold District Council or the Highway Authority.
16. The premises must ensure that if alcohol is sold from the business that all necessary permissions under the Licensing Act 2003 are in place.

17. The licence must be displayed on the premises with a plan of the agreed layout of the pavement café.
18. Cotswold District Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.
19. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that all of the above conditions are being adhered to.

National Conditions

[All section references are to the Business and Planning Act 2020]

No-obstruction condition

Section 5(5)

A “no-obstruction condition” is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6):

Section 3(6)

The effects referred to in subsection (5) are-

- a) preventing traffic, other than vehicular traffic, from—
 - i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - ii. passing along the relevant highway, or
 - iii. having normal access to premises adjoining the relevant highway,
- b) preventing any use of vehicles which is permitted by a pedestrian planning order, or which is not prohibited by a traffic order,
- c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Smoke-free seating condition:

Section 5(6)

A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

Agenda Item 9



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL – 31 JULY 2024
Subject	OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2023/24
Wards affected	None
Accountable member	Councillor Gina Blomefield, Chair of the Overview and Scrutiny Committee Email: gina.blomefield@cotswold.gov.uk
Accountable officer	Andrew Brown, Business Manager for Democratic Services Email: Democratic@Cotswold.gov.uk
Report author	Caleb Harris, Senior Democratic Services Officer Email: caleb.harris@cotswold.gov.uk
Summary/Purpose	To receive the annual report of the work of the Overview and Scrutiny Committee.
Annexes	Annex A – Executive Scrutiny Protocol (Part E10 of the Constitution) Annex B – Recommendations to Cabinet from 2023/24 year Annex C – Current O&S Work Programme
Recommendation(s)	That Full Council resolves to: I. Note the Annual Report of the Overview and Scrutiny Committee 2023/24.
Corporate priorities	<ul style="list-style-type: none"> • Delivering Good Services • Responding to the Climate Emergency • Delivering Housing • Supporting Communities • Supporting the Economy <p>The Overview and Scrutiny Committee in its work considers reports from a variety of areas which support the agreed priorities within the Council's Corporate Plan.</p>
Key Decision	NO



COTSWOLD
DISTRICT COUNCIL

Exempt	NO
Consultees/ Consultation	Overview and Scrutiny Committee, Director of Governance, Interim Executive Director (Publica), Cotswold Local Management Team



1. EXECUTIVE SUMMARY

- 1.1 An annual report may be submitted to Full Council to demonstrate the impact of Overview and Scrutiny and the effectiveness of the Executive Scrutiny Protocol under Part E10 (point 10.2) of the Constitution
- 1.2 The Council therefore is asked to note the report for the previous civic year and the future work programme for the Overview and Scrutiny Committee.

2. BACKGROUND

- 2.1 A Corporate Peer Challenge Feedback Report from October 2022 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 by Overview and Scrutiny.
- 2.2 Following the Peer Challenge 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.
- 2.3 The Council under the Cabinet and Leader model now operates an effective Overview and Scrutiny Committee which provides pre-decision scrutiny of Cabinet decisions and contributes to the development of the Council's Budget and Policy Framework. The Committee is also empowered to consider other issues that affect the district or its people.
- 2.4 Decisions to be taken by Cabinet are notified on the Forward Plan for 28 days in line with the statutory provisions of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These decisions will also include Key Officer Decisions which are delegated by Cabinet. For completeness, Council decisions are also included on the Forward Plan.
- 2.5 The Committee of 10 Members, chaired by an opposition Member, provides oversight of the work of the Cabinet and will question Cabinet Members about proposals within their portfolio responsibilities.
- 2.6 Council passed in November 2022 the Executive Scrutiny Protocol which sets out the relationship between the Overview and Scrutiny Committee and the Executive (Cabinet).
- 2.7 The protocol describes how important good relations between the Overview and Scrutiny Committee and the Cabinet will enable strong decision-making.
- 2.8 In paragraph 10.1 of the protocol, it sets out the following requirements to demonstrate the success of the protocol. These are:
 - Recognition of the value of scrutiny;



- A clear record of constructive challenge;
- Valuable scrutiny reviews that achieve impactful outcomes;
- An open and accountable decision-making process

2.9 Officers have also taken into account the guidance from the work of external bodies such as the Centre for Governance and Scrutiny to help guide the Committee in using best practice to achieve the aims of the protocol.

3. THE VALUE OF SCRUTINY AND CONSTRUCTIVE CHALLENGE

3.1 For Overview and Scrutiny to be successful, it must be able to demonstrate its ability to scrutinise and provide a 'critical friend' analysis of the work of Cabinet and proposals that are set to come before Cabinet.

3.2 Under the Executive Leader and Cabinet Model operated by the Council, Overview and Scrutiny has a key role in providing democratic checks and balances on the role of the Cabinet.

3.3 In the 2023/24 civic year, pre-decision scrutiny has been properly embedded as a feature of the Council's executive decision-making process and the Overview and Scrutiny Committee has proven to be effective at undertaking this role.

3.4 The Cabinet Forward Plan is published on a monthly basis via the [Cabinet's Forward Plan webpage](#). This enables the Committee to select reports for consideration at future meetings. Annex C provides the Overview and Scrutiny Work Programme at present. This work programme is agreed annually but reviewed at each meeting and adjusted to take account of emerging priorities and any adjustments to the Cabinet Forward Plan.

3.5 Overview and Scrutiny at each meeting will hear from the Leader/Cabinet Member responsible for each report for pre-decision scrutiny. There is then the opportunity for the Committee to discuss various aspects of reports and ask the Cabinet Member detailed questions. On occasions, Members or public speakers have made representations to the Committee which have informed its deliberations.

3.6 Annex B provides the list of recommendations that have been presented to Cabinet in the 2023/24 civic year. Any recommendations are agreed to by the Committee at the conclusion of each item, with the Chair and Vice-Chair confirming with officers the final wording of the recommendations after the meeting if necessary.

3.7 Cabinet Members are then given the opportunity to consider the recommendations and the responses are agreed to by Cabinet collectively, before being reported back to the next meeting of the Overview and Scrutiny Committee.



- 3.8** In total, 29 recommendations have been made to Cabinet and/or Full Council by the Overview and Scrutiny Committee in 2023/24, with 22 recommendations being accepted, in whole or in part, by Cabinet and/or Full Council.
- 3.9** There are a number of recommendations which made a noticeable contribution to the quality of decisions made by Cabinet. These recommendations often took into account the views of other stakeholders including areas of public interest. The issues involved include those around the Local Plan and Public Conveniences where local impacts were brought to the attention of the Committee.

4. VALUABLE SCRUTINY REVIEWS THAT ACHIEVE IMPACTFUL OUTCOMES

- 4.1** Scrutiny Reviews conducted by the Overview and Scrutiny Committee play an important role in enabling Members to have input into the policy-development process.
- 4.2** Under Article 7.3 of the Constitution, Task and Finish Groups can be set up by the Committee to provide critical oversight of areas of policy within the Council and oversee external policy too.
- 4.3** These groups are made up of a select number of Members on a cross-party basis. The membership of Task and Finish Groups may include non-Executive Members who are not Members of the Overview and Scrutiny Committee.
- 4.4** Since the Peer Review, the Overview and Scrutiny Committee has established two Task and Finish Groups in order to scrutinise emerging policy and to influence process and to provide reports and / or recommendations to Cabinet.

EMPLOYMENT POLICIES TASK AND FINISH GROUP

- 4.5** The Employment Policies Task and Finish Group was established during the 2022/23 civic year on 4 October 2022 with its terms of reference agreed by the Committee membership at that time.
- 4.6** The Employment Policies Task and Finish Group was chaired by Councillor David Cunningham and attended by Councillors Nikki Ind, Julia Judd and Mark Harris. The Group examined the Council's work in updating its HR Policies for Council employees.
- 4.7** The Group, in discussion with officers, oversaw the development of new HR Policies around employment and health and safety. Whilst the Group was largely guided by the specialist knowledge of officers, the group provided valuable cross-party oversight of the process for updating employment and health and safety policies and assurance that the work was progressing in a timely fashion.
- 4.8** These updated policies were presented to [Cabinet on 12 September 2023](#) and approved for use in respect of Council employees.



PUBLIC CONVENIENCES WORKING GROUP

- 4.9** Following the decision by Cabinet to extend the current contract for the service and maintenance of public conveniences on 17 July 2023, the Overview and Scrutiny Committee was asked by the Deputy Leader and Cabinet Member for Finance, Councillor Mike Evemy, to establish a task and finish group to inform future Cabinet decisions about the Council's public conveniences facilities.
- 4.10** The Overview and Scrutiny Committee agreed at its meeting on 26 September 2023 to set up this task and finish group with Councillor Tony Slater as its Chair and Councillor Gary Selwyn as the Vice-Chair. Councillors David Cunningham and Dilys Neill were the other serving Members on the group.
- 4.11** The Group, within its terms of reference, was asked to consider a number of options in relation to the future of the public convenience facilities operated by Cotswold District Council. The key primary focusses were:
- To look at the future of the Public Conveniences within the District in regard to which sites would be kept, closed or transferred to Town/Parish Councils (if desired).
 - To review charging structures for the sites and provide recommendations.
 - To consider the merits of retendering the contract and of bringing the service back in-house.
- 4.12** The Group then held a series of private meetings to assess the current situation at the sites and discuss the data to determine the best course of action.
- 4.13** The Group took evidence from Town and Parish Councils, the current contractor Danfo and other organisations such as Crohn's & Colitis UK. It also reviewed financial and usage data for the different facilities across the district.
- 4.14** The recommendations covered a variety of aspects around public conveniences including capital expenditure to refurbish and enhance the existing facilities with card readers, requirements of access to public conveniences and future management of the facilities.
- 4.15** The Group then agreed a report which was presented to the Overview and Scrutiny Committee on 30 January 2024 and then [Cabinet on 1 February 2024](#). Cabinet accepted the majority of the eleven recommendations that the Group put forward.
- 4.16** The recommendations not accepted were recognised for the points made but needed further information before a decision could be reached. These recommendations were in regard to future capital expenditure and a review of the charging structure for the facilities.
- 4.17** This Group was an example of Overview and Scrutiny playing a meaningful and influential role in the development of Council policy.



GWR PROVISION OF RAILWAY SERVICES REVIEW

- 4.18** Overview and Scrutiny is sometimes called upon to review different areas of policy following issues that arise externally which may have an impact on communities.
- 4.19** On 20 September 2023, a motion was passed by Full Council titled 'Rail Ticket Offices'. The motion, proposed by Councillor Paul Hodgkinson and seconded by Councillor Angus Jenkinson, was tabled after the announcement of plans by rail operators to close rail ticket offices across England.
- 4.20** The motion agreed to refer the issue to the Overview and Scrutiny Committee and invite Great Western Railway (GWR) to attend a meeting to discuss its plans and future staffing.
- 4.21** It was announced on 31 October 2023 that the Government had asked rail operators to not proceed with the proposals following a public consultation. However, the Committee at a Special Meeting on 21 November 2023 met and discussed railway services within the District with the Director of Business Development for GWR.
- 4.22** The Committee discussed some wider challenges which included access to services, the efficiency of railway links provided and the maintenance of infrastructure within the District.
- 4.23** Overview and Scrutiny showed its role in engaging with community issues and demonstrated how it can use its position to influence and hold to account organisations outside of the Council.

OTHER RECOMMENDATIONS MADE TO CABINET

- 4.24** Overview and Scrutiny has the authority to make recommendations to Cabinet on any issue that it sees fit regardless of whether it is a Cabinet decision. Whilst the majority of recommendations made to Cabinet were on pre-decision scrutiny items, there were other topical recommendations made.
- 4.25** Overview and Scrutiny also made some important recommendations to Cabinet on other community and Council priority items. These were in relation to rivers and sewage and an update on the ecological emergency.
- 4.26** Following considerations of infrastructure requirements and local concerns raised in Moreton-in-Marsh as part of the Local Plan Partial Update, the Overview and Scrutiny Committee encouraged the formation of the Moreton-in-Marsh Working Group through a formal recommendation to Cabinet on 8 January 2024. Cabinet agreed to recommend this to Full Council with the final recommendation being agreed at the meeting of Council on 24 January 2024.
- 4.27** The Committee discussed these topics with the relevant Cabinet Members and officers in order to gain background knowledge and understanding of the issues involved.



5. AN OPEN AND ACCOUNTABLE DECISION-MAKING PROCESS

- 5.1 Overview and Scrutiny through all of the methods described in the previous sections, promotes the overall objective of open and accountable decision-making processes which is a fundamental part of the decision structures of the Council.
- 5.2 Cabinet is expected within the protocol to be open and honest with the Committee and to assist in allowing the Committee to scrutinise decisions before them.
- 5.3 Cabinet Members for items are invited to meetings of Overview and Scrutiny and are substituted by the Leader or another Cabinet Member where possible if they are not able to attend.
- 5.4 Whilst senior officers in the room may assist in providing specialist details to the Committee, the focus of the Committee has been to engage with Cabinet Members.
- 5.5 The Committee has also used its powers to hold Special Meetings where required in order to provide comprehensive insight on reports such as the Publica Review (the transfer of services from Publica to the Council).
- 5.6 In addition to the pre-decision scrutiny approach outlined above, all Cabinet decisions, Cabinet Member decisions and key decisions taken by officers are subject to call-in by any three members of the Committee (who must be from at least two political groups) within 5 working days of the decision being taken. Call-in is intended to be used in exceptional circumstances where a decision is believed to be contrary to the authority's decision-making principles.
- 5.7 If a valid call-in is made, the decision will be referred to the next meeting of the Overview and Scrutiny Committee (which may be a specially convened meeting). The Committee will hear why the decision was taken and why it was called in before deciding whether the decision can stand and be implemented immediately, or whether the decision is referred back to the decision maker with comments, or in some circumstances, referred to Council.
- 5.8 No decisions were called in during the 2023/24 civic year. The most recent call-in related to the lease of land at Station Road, Kemble, due to concerns about the information available to inform the decision. The call-in was heard by the Overview and Scrutiny Committee on 1 February 2023 with no further recommendations made to Cabinet or Council on the decision.

6. CONCLUSIONS

- 6.1 The relationship between the Overview and Scrutiny Committee and Cabinet is important to the overall governance arrangements of the Council.



- 6.2 Overview and Scrutiny performs an important role of checking the authority of Cabinet and providing an accountability mechanism for community issues.
- 6.3 The Executive Scrutiny Protocol (Part E.10) agreed by Full Council sets out the requirements for the relationship to operate in order to provide good policy development and effective pre-decision scrutiny.
- 6.4 The work of the Overview and Scrutiny Committee over the 2023/24 Civic Year can be clearly seen in scrutinising the decisions of Cabinet and contributing to overall policies, for example through the work of Task and Finish Groups.
- 6.5 In doing so, the Committee demonstrates its ability within the Council to provide constructive and insightful work within the decision-making processes.

7. ALTERNATIVE OPTIONS

- 7.1 Council is being asked to note the effectiveness of the protocol and the scrutiny processes. It can ask officers to bring a future report in a different format if it wishes to do so.
- 7.2 Council can refer any Constitutional matters regarding scrutiny processes to the Constitution Working Group if any such concerns arise.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no specific financial implications associated with this report.

9. LEGAL IMPLICATIONS

- 9.1 There are none arising from the report.

10. RISK ASSESSMENT

- 10.1 None.

11. EQUALITIES IMPACT

- 11.1 Not applicable to this report.

12. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 12.1 Members are required to travel to Overview and Scrutiny Committee meetings in-person as required by statutory provisions which may have a climate impact. Meetings of Task and Finish Groups as they are not decision-makers are usually held remotely as allowed for the convenience of Members and other participants.

13. BACKGROUND PAPERS

- 13.1 None



COTSWOLD
DISTRICT COUNCIL

(END)

EXECUTIVE SCRUTINY PROTOCOL FOR COUNCILLORS OF COTSWOLD DISTRICT COUNCIL

November 2022

1. Introduction

1.1 Overview & Scrutiny must be located at the strategic heart of the authority and is a key element of the decision making process acting as a 'critical friend'.

1.2 This Protocol applies to Scrutiny (all members of the Overview & Scrutiny Committee, including substitutes and any Member who sits on an Overview & Scrutiny Task & Finish Group), and the Executive (all Members of Cabinet and executive officers with delegated authority to undertake executive functions).

2. Trust

2.1 All Members should promote an atmosphere of openness at Overview & Scrutiny meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust.

2.2 Overview & Scrutiny Members need to trust that Members of the Executive are being open and honest.

2.3 Executive Members need to trust Overview & Scrutiny Members with information and to trust in their views.

3. Policy Development and Pre-Decision Scrutiny

3.1 "Policy Development" refers to the development of the Budget and Policy Framework, which is defined in Article 4 of the Constitution as comprising the following plans and strategies (as agreed by Full Council 14 July 2021):

- Corporate Strategy/Corporate Plan
- Community Strategy
- Crime and Disorder Reduction Strategy
- Plans and strategies which together comprise the Development Plan (the Cotswold District Local Plan and the Council's input into the Gloucestershire County Structure Plan)
- Housing Strategy
- Pay Policy
- Licensing Policy Statements (Licensing Act 2003 and Gambling Act 2005)

3.2 The Budget and Policy Framework also includes a number of budgetary policies which may be more appropriately developed in conjunction with Audit Committee - The Medium-Term Financial Strategy; Capital Programme; Setting the Council Tax; Decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits, and The Capital, Treasury Management and Investment Strategies.

3.3 The importance of early input from Overview & Scrutiny into policy development is recognised. Scrutiny can act as a sounding board and a think tank in investigating issues coming up on the horizon, bringing in added value. Cabinet Members and Executive Officers should draw to the attention of Overview & Scrutiny Committee any key policy in addition to those in the Budget and Policy Framework that is being developed or is due for review to ensure timely input.

3.4 The development of the Budget and Policy Framework needs to be an inclusive process involving both Cabinet and Overview & Scrutiny Committee. The Cabinet and relevant lead Officer will consider the views of Scrutiny in the development of the policy and provide a response to the recommendations of Scrutiny within 28 days or earlier should the report of the Cabinet require publication. The detail of Scrutiny's involvement shall also be included within the body of the Cabinet report. The Cabinet/Full Council will continue to be responsible for approving and adopting policy.

3.5 Cabinet Members may wish to request views from Scrutiny on a decision before it is taken. The Cabinet Member will be responsible for circulating the details to the relevant Scrutiny Committee Members, through Democratic Services. Utilising this as an option does not exclude the decision from being subject to call-in. However, it will give the Cabinet Member the ability to consider different views and perspectives of a decision to be taken before it is taken.

3.6 Scrutiny may review the Forward Plan and select upcoming decisions for pre-decision scrutiny.

4. Holding Decision Makers to Account

4.1 A key role of Scrutiny is in holding the Cabinet to account for decisions taken and performance of services. In holding the Cabinet to account Scrutiny Members will:

- Consider decisions taken by the Cabinet, individually and collectively and items on the Forward Plan through formal Overview & Scrutiny Committee meetings;
- Review service performance and performance against policy and targets;
- Be prepared to ask searching questions that provide a constructive challenge;
- Be positive and respectful in their interactions with Cabinet Members and Executive Officers;
- Represent the voice of the public;
- Listen to the responses provided and assist the Cabinet in identifying areas for further consideration and improvement.

4.2 In return, Cabinet Members will:

- Be willing to be open, honest and engaged in providing a response to constructive challenge;
- Value the importance of Scrutiny;
- Be supportive of the scrutiny process and invite and seek opinion from Scrutiny on decisions to be taken, where appropriate;
- Provide a positive contribution to Scrutiny meetings;
- Attend meetings when invited to do so to answer questions and present information:



- By way of a direct answer
- By reference to published publications
- By referring a matter to an Officer in attendance, if they are not able to respond
- If an answer cannot immediately be given, by providing a written answer within five working days unless it is not reasonable to do so. If considered unreasonable, an explanation as to why will be given.
- A combination of the above four options.

4.3 The Chair of the Overview & Scrutiny Committee has a legal role in respect of any key executive decision that has not been notified on the Council's Forward Plan for 28 clear days prior to the date of decision. In exceptional circumstances the Council may need to operate alternative decision making arrangements for a period of time e.g. in response to an emergency. In any such situation it is expected that the Chair of the Overview & Scrutiny Committee would be consulted on any urgent key decisions in the normal way.

5. Scrutiny Work Planning

5.1 Prior to the start of each Municipal Year, Scrutiny will hold a Work Planning Workshop. As part of this Workshop the views of the relevant Cabinet Member(s) will be inputted, as will the views of Overview & Scrutiny Members, Officers, any external guests who are invited to contribute, and any members of the public who submit suggestions to the Council. The advice of the Cabinet Member(s) may be sought regarding the priorities of the Council, areas of planned policy development and they will be asked to highlight any areas of conflict and instances where Scrutiny may be invited to assist in work. The Workshop will inform the development of a draft Scrutiny Work Programme. At the beginning of the Municipal Year the views of any new Overview & Scrutiny Committee Members and Cabinet Members will be sought before the draft work plan is presented to the first meeting of the Overview & Scrutiny Committee for their endorsement.

5.2 The Chair & Vice-Chair of the Overview & Scrutiny Committee will informally meet periodically with the Leader and Cabinet Members in order to:

- Discuss upcoming issues and provide for ongoing Cabinet input into Scrutiny work plans;
- Ensure liaison between Scrutiny and the Cabinet over Council priorities, targets and performance;
- Continue to build on the positive working relationship between the two functions.

5.4 In setting and reviewing its work plan, Scrutiny will be mindful of the constraints of the organisation and will take advice from officers on prioritisation, which may be informed by the following considerations (TOPIC criteria):

Timeliness: Is it timely to consider this issue?

Organisational priority: Is it a Council priority?

Public Interest: Is it of significant public interest?

Influence: Can Scrutiny have meaningful influence?

Cost: Does it involve a high level of expenditure, income or savings?

6. Overview & Scrutiny Recommendations to Cabinet

6.1 Scrutiny may make recommendations to the Cabinet about functions for which the Council is responsible or about issues that affect the district and its people through a report arising from a formal Committee meeting or by way of an Overview & Scrutiny Committee Task & Finish Group report.

6.2 Once Scrutiny has agreed a recommendation, the views of the relevant Cabinet Member(s) will be sought within 10 working days (if not already provided at a meeting) and will be included within the report. The Chair and Vice-Chair of the Overview & Scrutiny Committee will have the opportunity to meet with the relevant Cabinet Member(s) to discuss the recommendation and the response before the final report is submitted to the Cabinet for consideration. Upon formal receipt of a recommendation from Scrutiny, Cabinet will:

- Give due consideration to any recommendations or views expressed and respond to recommendations in writing within 2 months of receipt of the recommendations;
- Provide an explanation for the reasons why recommendations made by Scrutiny have not been pursued (where applicable).

7. What Scrutiny Can Expect From Senior Officers.

7.1 Whilst Scrutiny undertakes to deliver effective outcomes for local people, it will only be able to do this if senior officers make a commitment to work with and respond to Scrutiny in a constructive manner. The following are proposed as the roles and responsibilities that will govern the Council and Public's relationship with Scrutiny. Senior Officers will:

- Provide professional advice to Scrutiny;
- respect the independence of Scrutiny;
- recognise the value that Scrutiny can add to service improvement;
- co-operate positively with Scrutiny in developing and undertaking its work programme;
- participate in the monitoring of the implementation of recommendations made by Scrutiny that are agreed by Cabinet;
- Contribute to a positive culture that values constructive scrutiny.

8. Call-in

8.1 Decisions may be called in in accordance with the procedure rules set out in Part 4.13 of the Constitution. Cabinet Members will be expected to attend any meetings of Scrutiny at which a call-in request in relation to their area of responsibility is being considered. If the relevant Cabinet Member cannot attend, the Leader or a Deputy Leader should attend in their absence. The purpose of their attendance will be to answer questions of fact not to present the item. The following procedure will take place where call-ins are being considered:

- i. The Member who called in the decision will speak first;
- ii. The Chair will invite the Cabinet Member (decision maker) to respond;
- iii. The Committee will then ask questions of the decision maker, who may ask a relevant Officer to supply further information if necessary;
- iv. Scrutiny debates the issue and votes on the outcome. The Committee will either agree with the decision, in which case it can be implemented immediately, or agree

to refer the decision back to the decision maker with comments. Alternatively the Committee could refer the call in to Full Council.

9. Scrutiny Consideration of Confidential or Exempt Decisions

9.1 Scrutiny Members have a right to access exempt information pertaining to their engagement with policy development or decisions that have been taken or are yet to be taken in order to allow effective scrutiny. Should a Scrutiny Member wish to ask questions pertaining to exempt information at a public Committee meeting, the press and public will be excluded from the meeting in accordance with the Council's Constitution and the Cabinet Member will be expected to answer in an open and transparent manner. The exempt information will remain confidential and all elected Members and Officers who receive that information shall maintain that confidentiality in line with the Codes of Conduct for Elected Members and Officers.

10. Ensuring Compliance with the Protocol

10.1 The Monitoring Officer and the Business Manager (Democratic Services) will be responsible for overseeing compliance with the Cabinet/Scrutiny Protocol which should be used by Members to support the wider aim of supporting and promoting a culture of scrutiny. The success of the Protocol will be determined by:

- Recognition of the value of scrutiny;
- A clear record of constructive challenge;
- Valuable scrutiny reviews that achieve impactful outcomes;
- An open and accountable decision making process.

10.2 An Annual Report may be submitted to Full Council each year with the aim of demonstrating the impact of Scrutiny and the effectiveness of the Protocol. The report may also include the draft Scrutiny Work Programme for the following year.

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Annex B

Recommendations to Cabinet from Overview and Scrutiny Committee for 2023/24

Recommendation	Agree (Y/N)	Comment	Responsible Cabinet Member	Lead Officer
<i>Channel Choice and Telephone Access -26 September 2023</i>				
That the trial set out in the report is approved (the outcome of the trial will be reported back to Overview and Scrutiny before a final decision on the service is made by Cabinet), with consideration of when the report should come forward;	Y	It was agreed that the outcome of the trial would come back to Cabinet as soon as we have reliable data to suggest that it has been successful (or not) and that the follow up report would go to O&S before going back to Cabinet.	Councillor Tony Dale, Cabinet Member for Economy and Transformation	Jon Dearing, Assistant Director for Resident Services
That Cabinet Members receive data regarding call volumes for Cotswold District Council and not just the combined figures with West Oxfordshire, and graphs to show trends;	Y	We agreed that I would relay the telephone data at the Cabinet meeting on 2/10/2023, to show the percentage split between CDC and WODC	Councillor Tony Dale, Cabinet Member for Economy and Transformation	Jon Dearing, Assistant Director for Resident Services
That the report that will be received after the six month trial includes an Equalities Impact Assessment;	In part (N + Y)	We said that a report would come in 6 months at the latest but may be earlier if we can demonstrate, earlier, that it has been successful. The EIA has already been agreed by the Monitoring Officer but a follow up EIA will be presented with the follow up report.	Councillor Tony Dale, Cabinet Member for Economy and Transformation	Jon Dearing, Assistant Director for Resident Services
That Cabinet Members consider concerns raised by committee members regarding consultation with affected staff, and whether savings can be realised without redundancies.	N	I thought we addressed this at the O&S meeting. I confirmed that officers have been consulted throughout and assured that there will be no redundancies.	Councillor Tony Dale, Cabinet Member for Economy and Transformation	Jon Dearing, Assistant Director for Resident Services

<i>Car Parking Strategy – 31 October 2023</i>				
That consideration is given to whether more can be done on the widening of car parking bays within the Car Parking Strategy.	Y	As part of the strategy we will be undertaking a review of our bay sizes, and purpose.	Councillor Tony Dale, Cabinet Member for Economy and Transformation	Susan Hughes, Business Manager for Support and Advice
That consideration is given to the level of need for, and provision of, more disabled parking spaces.	Y	The strategy intends to engage fully with all customers and stakeholders, this will ensure that we are identifying and addressing the needs of customers.	Councillor Tony Dale, Cabinet Member for Economy and Transformation	Susan Hughes, Business Manager for Support and Advice
That the provision of secure bicycle parking (for pedal and electric bicycles) is included within the strategy.	Y	We aim to undertake a review of our car parks, assess usage of current cycle racks and where possible increase this.	Councillor Tony Dale, Cabinet Member for Economy and Transformation	Susan Hughes, Business Manager for Support and Advice
<i>Playing Pitch Strategy – 31 October 2023</i>				
That the provision of 3G pitches is reviewed to ensure that the provision is suitable and safe, in view of safety concerns about certain materials used in 3G pitches.	Y	This is an evolving situation and Officers will take the lead from Sport England, Department for Digital, Culture, Media and Sport and the Football Foundation who they are in regular dialogue with. But to reiterate, it is only the polymetric infill which the EU is looking to ban, not 3G pitches as a whole facility, and the availability of alternative vegetal or organic infills is growing.	Councillor Paul Hodgkinson, Cabinet Member for Health and Wellbeing	Andy Barge, Assistant Director for Communities/ Rachel Biles, Strategic Projects Lead (Leisure)
That consideration is given to whether it would be appropriate to include the provision of bowling greens within the Playing Pitch Strategy	N	Bowling green facilities are classified by Sport England as other outdoor non-pitch sports. Therefore, they would be assessed using a different methodology to that used in the development of the Playing Pitch Strategy. Cabinet could consider completing an assessment of needs and opportunities on other sports	Councillor Paul Hodgkinson, Cabinet Member for Health and Wellbeing	Andy Barge, Assistant Director for Communities/ Rachel Biles, Strategic Projects Lead (Leisure)

		like bowls, tennis, golf and athletics, but it is not deemed a priority at this point in time		
That the new pitches planned at the Steadings development are factored into the Playing Pitch Strategy, if this has not already been done.	Y	To confirm, the s106 agreement specifies that the mandatory outdoor provision for the development includes three tennis courts and two mini football pitches. As yet the football pitches are not listed in the strategy as they are yet to be constructed but once complete, they will be picked up in stage E of the playing pitch strategy which is the monitoring and review of the strategy annually to ensure it is robust and up to date.	Councillor Paul Hodgkinson, Cabinet Member for Health and Wellbeing	Andy Barge, Assistant Director for Communities/ Rachel Biles, Strategic
That consideration is given to whether the use of Community Infrastructure Levy to fund sports facilities can be formalised in the Local Plan.	Y	We would be able to list the infrastructure recommendations for playing pitches and ancillary facilities within the Local Plan. This would give projects that are taken forward from this list, a greater precedence if Town and Parish Council (and other applicants) chose to submit a bid to the CIL strategic infrastructure fund. A proportion of CIL cannot be safeguarded to deliver sports facility infrastructure development, however Town and Parish Councils can use their neighbourhood proportion to assist the delivery of playing pitches and ancillary facilities as part of any application to access the Council's CIL. An alternative route could also be to secure s106 developer contributions for	Councillor Paul Hodgkinson, Cabinet Member for Health and Wellbeing	Andy Barge, Assistant Director for Communities/ Rachel Biles, Strategic Projects Lead (Leisure)

		projects using the evidence base from the Playing Pitch Strategy to support requests.		
That the Council encourages more volunteers to support local sports clubs.	Y	When business cases are developed with key stakeholder such as sports clubs, volunteers and clubs' capacity will be considered. This will be undertaken in partnership with the Active Cotswold Programme, Active Gloucestershire and governing bodies of sport.	Councillor Paul Hodgkinson, Cabinet Member for Health and Wellbeing	Andy Barge, Assistant Director for Communities/ Rachel Biles, Strategic Projects Lead (Leisure)
<i>Publica Review – 16 November 2023</i>				
To recommend to Council that recommendation 1 in the report is amended to read 'Approve the recommendations set out in the Human Engine report (that the majority of services are returned to the Council as per the detail provided on page 12 of the Human Engine report)', subject to the completion of due diligence and the agreement of the detailed transition plan.	N	Full Council considered the recommendation as an amendment to at the meeting on 22 November 2023. Full Council rejected the amendment by 11 votes for, 17 against, 2 abstentions. 3 Members were absent from that Full Council meeting.	Councillor Joe Harris, Leader of the Council	Robert Weaver, Chief Executive Officer
<i>Draft Cotswold Housing Strategy -28 November 2023</i>				
That the Council consults with the Royal Agricultural University to ensure that there is suitable provision of accommodation for students.	Y	New text will be incorporated with the final document to highlight this matter. Text will be prepared by the Forward Planning Manager and agreed with the Leader under delegated authority	Councillor Joe Harris, Leader of the Council	James Brain, Forward Planning Manager/ Charlie Jackson, Assistant Director for Planning and Sustainability
That the Council consults with businesses to ensure local employees have access to housing within the district	Y	Businesses are encouraged to engage with the draft Housing Strategy to share their views and advocate their priorities and opportunities on the matter.	Councillor Joe Harris, Leader of the Council	James Brain, Forward Planning Manager/ Charlie Jackson, Assistant Director for

		Ensuring local employees have good access to housing is a pertinent matter for other council projects and strategies, including the Green Economic Strategy, Local Plan Update, Cirencester Town Centre Masterplan. Businesses are equally encouraged to engage with these plans and strategies when available.		Planning and Sustainability
<i>Cotswold District Local Plan – Partial Update – 8 January 2024</i>				
That the Council establishes a cross-party working group to consider strategic growth at Moreton-in-Marsh.	Y	It has been agreed that Cabinet will ask Council that a Working Group be created to examine strategic growth in Moreton-in-Marsh involving Members and Officers.	Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services	James Brain, Forward Planning Manager
<i>Public Conveniences Review Group – 30 January 2024</i>				
That the Council seeks to re-tender the cleaning and maintenance contract rather than bring the service in house.	Y	Agree to retender contract prior to expiry on 30/09/24. Also, request costings from Ubico to benchmark against tenders from external suppliers.	Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer
That the Council seeks to reduce the annual revenue cost of providing public conveniences facilities, given that it would not be realistic to seek full cost recovery through charging, or to provide facilities that are free to use.	Y	The current budget provision of £161k for a non-statutory service is coming under increasing pressure hence the request for this review. It's accepted that neither achieving full cost recovery or making the service completely free are viable options.	Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer

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.	Y	We wish to continue providing this service in locations across the District, but recognise that closing some facilities will reduce costs whilst maintaining a public service.	Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer
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.	Y	See comment above.	Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer
That the Council allocates £47,200 in the capital programme to introduce charging at the four retained sites that are currently free to use, utilising the existing capital budget (of c. £34,000) for purchasing and installing card readers. This investment will ensure that the Council can charge for usage, with card payment as an option, at all district council run facilities and will have a payback period of c. 1 year.	N	It's agreed that the balance of the capital allocation for card readers should be used to facilitate charging at the currently non-charged sites. The proposed capital budget for 24/25 allows for this. We will seek to re-use card readers and charging mechanisms from any closed facilities. Any identified additional capital requirements will come forward as a report to Cabinet following agreement on any closures.	Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer
That the Council allocates capital funding of £27,650 in priority works to remedy condition (the replacement of paddle gates) at the two sites in Bourton on the Water, in order to protect future income, as set	N	It's acknowledged that this investment is required. Funding for this to be identified and subject to a separate Cabinet report alongside the works identified in recommendation 5.	Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer

out in Annex B of the Review Group's report				
That the Council seeks to maintain the condition of its public convenience facilities through the Council's Asset Management Strategy.	Y		Councillor Mike Evey, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer
That usage charges are set at 70p at all retained district council public conveniences facilities. Based on current usage levels this could reduce the cost of the service by a maximum of £62,425 per annum.	N	Given the increase in the charge to 40p in April 2023 and the implementation of card readers at all charging sites in November 2023, it is very difficult to forecast revenue based on these two factors and therefore understand the impact of any price change proposal. It's proposed to review the charge once we have clarity over the future cost of the service and when we have at least six months of usage and revenue data for currently charged sites.	Councillor Mike Evey, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer
That the Council uses signage at public convenience facilities to explain to users that public conveniences are not a statutory service and the usage charge does not cover the full cost to the Council of running the service.	Y		Councillor Mike Evey, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer
That the Council continues to provide one disabled access unit at each retained site which can be accessed free of charge with a RADAR key (Royal Association for Disability and Rehabilitation).	Y		Councillor Mike Evey, Deputy Leader and Cabinet Member for Finance	David Stanley, Deputy Chief Executive Officer
That the Council encourages key partners such as town and parish councils and local businesses to make their toilets available for	Y		Councillor Mike Evey, Deputy	David Stanley, Deputy Chief Executive Officer

public use and to register their toilets on popular public toilet apps.			Leader and Cabinet Member for Finance	
<i>River and Sewage – 27 February 2024</i>				
That the Council writes to Severn Trent requesting an interactive flooding map.	Y	Feedback from the Industry has indicated that maps will be made available in the spring.	Councillor Lisa Spivey, Cabinet Member for Communities and Public Safety	Phil Martin, Assistant Director for Business Services
That the Council forms a Rivers and Sewage Working Group, considering the composition and scope through its terms of reference.	N	The current series of meetings that I am holding with the water companies serving the district are informal meetings held at my request as Cabinet Member with responsibility for sewage and flooding. These discussions are not formal meetings and I would not want them to be. I will be meeting with other individuals and groups in the wider context of sewage and flooding and, again, these meetings will be informal and for information sharing. This is part of the preparation work I am doing ahead of the sewage summit I plan to hold in May which will be a public event and which will be reported back to full council. At this point I do not see any benefit in forming a working group, and in fact, I believe this would hinder progress. I did consider setting up such a group when I began this work, but based on the model deployed by colleagues in West Oxfordshire and on hearing from them directly, I opted for the current	Councillor Lisa Spivey, Cabinet Member for Communities and Public Safety	Phil Martin, Assistant Director for Business Services

		approach, which although at its infancy, is proving positive. Thus, at this stage, I do not feel that it would be beneficial to constitute an official working group.		
<i>Ecological Emergency Update – 7 May 2024</i>				
That Cabinet considers the necessity to increase resourcing for ecology, given our goal (green to the core), declared climate and ecological crisis and increased legal monitoring obligations.	Deferred from 9 May Cabinet meeting	We are actively exploring resourcing levels across Planning & Sustainability and specifically Ecology, in order to meet workload demands and council priorities. We have a clear idea of the resources needed and are working through more detailed costings currently.	Cabinet Member for Planning and Regulatory Services/ Deputy Leader and Cabinet Member for Finance	Deputy Chief Executive/ Director of Governance (Monitoring Officer)/ Assistant Director for Planning and Sustainability

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COTSWOLD
DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE WORK PLAN
1 JULY 2024 – 31 OCTOBER 2024

Overview and Scrutiny Committee

The Council currently operates the Strong Leader and Cabinet form of governance. The Council has appointed one Overview and Scrutiny Committee which has the power to investigate Cabinet decisions and any other matters relevant to the district and its people, making recommendations to the Council, Cabinet or any other Committee or Sub-Committee of the Council. Scrutiny has an important role in holding the Cabinet to account and in contributing to policy development. The Council has agreed an Executive Scrutiny Protocol to guide how Cabinet and the Overview and Scrutiny Committee will interact with each other.

The Overview and Scrutiny Committee operates a work plan which is agreed annually but provides for flexibility to enable the Committee to respond to emerging issues or priorities. The work plan will include a mix of Cabinet reports that have been selected for pre-decision scrutiny, and reports on other Council services, topics or issues which have been specifically commissioned by the Overview and Scrutiny Committee.

In setting and reviewing its work plan, Scrutiny will be mindful of the constraints of the organisation and will take advice from officers on prioritisation, which may be informed by the following considerations (TOPIC criteria):

Timeliness: Is it timely to consider this issue?

Organisational priority: Is it a Council priority?

Public Interest: Is it of significant public interest?

Influence: Can Scrutiny have meaningful influence?

Cost: Does it involve a high level of expenditure, income or savings?

Call in

The Overview and Scrutiny Committee will consider any “call-in” of a decision that has been made but not yet implemented. This enables the Committee to consider whether the decision made is appropriate given all relevant information (but not because it would have made a different decision). It may recommend that the Cabinet, a Portfolio Holder or the Council should reconsider the decision. (It should be noted that Cabinet does not have to change its decision following the recommendation of the Overview and Scrutiny Committee).

Item	Cabinet Member	Lead Officer
Monday 22 July 2024		
Service Performance Report 2023-24 Quarter Four Note the 2023/24 Q4 service performance report	Leader of the Council - Cllr Joe Harris	Alison Borrett, Senior Performance Analyst Alison.Borrett@publicagroup.uk
2023-24 Final Revenue and Capital Outturn Report	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evemy	Michelle Burge, Chief Accountant michelle.burge@publicagroup.uk
Channel Choice and Telephone Access Update	Cabinet Member for Economy and Council Transformation - Cllr Tony Dale	Jon Dearing, Interim Executive Director jon.dearing@cotswold.gov.uk
Publica Transition - Detailed report To consider the recommendations for service transitions	Leader of the Council - Cllr Joe Harris	Robert Weaver, Chief Executive robert.weaver@cotswold.gov.uk
Overview and Scrutiny Annual Report The purpose of the report is for Full Council to consider the work of the Overview and Scrutiny Committee, compliance with the Executive Scrutiny Protocol (Part E10 of the Constitution), and to receive the draft Overview and Scrutiny Work Programme.		Caleb Harris, Senior Democratic Services Officer caleb.harris@cotswold.gov.uk, Andrew Brown, Democratic Services Business Manager andrew.brown@publicagroup.uk
Monday 2 September 2024		
Sewage Summit report To consider a report arising from the Sewage Summit hosted by Cotswold District Council.	Cabinet Member for Communities and Public Safety - Cllr Lisa Spivey	Phil Martin, Assistant Director for Business Services Phil.Martin@publicagroup.uk
Building the Budget	Deputy Leader - Cabinet Member for	David Stanley, Deputy Chief Executive and

	Finance - Cllr Mike Evey	Chief Finance Officer David.Stanley@cotswold.gov.uk
Neighbourhood Planning Update	Cabinet Member for Planning and Regulatory Services - Cllr Juliet Layton	Joseph Walker, Community Partnership Officer joseph.walker@cotswold.gov.uk
Local Plan Review Progress Update	Cabinet Member for Planning and Regulatory Services - Cllr Juliet Layton	Matthew Britton, Interim Forward Planning Lead matthew.britton@cotswold.gov.uk
Service Performance Report 2024-25 Quarter One Note the 2023/24 Q1 service performance report	Leader of the Council - Cllr Joe Harris	Alison Borrett, Senior Performance Analyst Alison.Borrett@publicagroup.uk
Financial Performance Report 2024-25 Quarter One	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Michelle Burge, Chief Accountant michelle.burge@publicagroup.uk
Monday 4 November 2024		
Climate Emergency To evaluate the achievement of Net-Zero goals where the Council has direct responsibility and the delivery of measurable contributions in other areas.	Cabinet Member for Climate Change and Sustainability - Cllr Mike McKeown	Charlie Jackson, Assistant Director - Planning and Sustainability charlie.jackson@publicagroup.uk
Draft Budget 2025/26 and Medium Term Financial Strategy	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	David Stanley, Deputy Chief Executive and Chief Finance Officer David.Stanley@cotswold.gov.uk
Community Safety Partnership Update	Cabinet Member for Communities and Public Safety - Cllr Lisa Spivey	Jacqueline Wright, Business Manager - Leisure and Wellbeing Jacqueline.Wright@Cotswold.gov.uk
Waste Services Update Focus on greening the fleet, efficiency of collections & data behind service changes	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Simon Anthony, Business Manager for Environmental Services Simon.Anthony@publicagroup.uk

Feedback on Waste Round Rezoning	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Simon Anthony, Business Manager for Environmental Services Simon.Anthony@publicagroup.uk
Monday 6 January 2025		
Public Conveniences Update on Changes		Maria Wheatley, Shared Parking Manager maria.wheatley@cotswold.gov.uk
Update on Strategic Plan for North Cotswolds	Juliet Layton, Cabinet Member for Planning and Regulatory Services	Matthew Britton, Interim Forward Planning Lead matthew.britton@cotswold.gov.uk
Service Performance Report 2024-25 Quarter Two	Leader of the Council - Cllr Joe Harris	Alison Borrett, Senior Performance Analyst Alison.Borrett@publicagroup.uk
Financial Performance Report 2024-25 Quarter Two	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Michelle Burge, Chief Accountant michelle.burge@publicagroup.uk
Empty Homes Strategy (potential Cabinet item TBC)		
Update to HR Policies (potential Cabinet report tbc)		
Monday 3 February 2025		
Budget 2025/26 and Medium Term Financial Strategy	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	David Stanley, Deputy Chief Executive and Chief Finance Officer David.Stanley@cotswold.gov.uk
Monday 3 March 2025		

Monday 31 March 2025		
Service Performance Report 2024-25 Quarter Three	Leader of the Council - Cllr Joe Harris	Alison Borrett, Senior Performance Analyst Alison.Borrett@publicagroup.uk
Financial Performance Report 2024-25 Quarter Three	Deputy Leader - Cabinet Member for Finance - Cllr Mike Every	Michelle Burge, Chief Accountant michelle.burge@publicagroup.uk
Tuesday 6 May 2025		

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Agenda Item 10



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL – 31 JULY 2024
Subject	DECISION TAKEN UNDER URGENCY POWERS
Wards affected	None
Accountable member	Councillor Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Robert Weaver, Chief Executive Officer Email: robert.weaver@cotswold.gov.uk
Report author	Caleb Harris, Senior Democratic Services Officer Email: caleb.harris@cotswold.gov.uk
Summary/Purpose	To report to Full Council on a decision taken by the Chief Executive Officer under urgency powers.
Annexes	Annex A – Urgent Decision Notice
Recommendation(s)	That Full Council resolves to: I. Note the decision taken as set out in Annex A.
Corporate priorities	<ul style="list-style-type: none"> • Delivering Good Services • Responding to the Climate Emergency • Delivering Housing • Supporting Communities • Supporting the Economy
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Leader of the Council, Deputy Leader of the Council, Director of Governance and Development (Monitoring Officer), Business Manager for Democratic Services, Chair of Full Council; Vice-Chair of Full Council.



1. EXECUTIVE SUMMARY

- 1.1 This report is to formally notify Council of a decision taken by the Chief Executive under urgency powers. The decision taken was to change the date of the Full Council meeting from 17 July 2024 to 31 July 2024 following consultation with the Chair of Council.

2. BACKGROUND

- 2.1 The Council's Constitution at Part D8 includes the following provision for matters of urgency:

The Council's Chief Executive has delegated authority to take any action they consider necessary in the interests of the Council in cases of urgency. They must only act after consultation with the Leader of the Council, the Chair of the Council or the appropriate Committee and the relevant Ward Member(s), if any. Any action taken in this way shall be reported to the first available meeting of the Council, Cabinet or relevant Committee, as appropriate.

3. URGENT DECISION

- 3.1 The urgent decision taken by the Chief Executive, including the reasons for it and why it was treated as urgent, are set out in the decision notice attached at Annex A.

4. ALTERNATIVE OPTIONS

- 4.1 The alternative options considered are set out in the decision notice at Annex A.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6. LEGAL IMPLICATIONS

- 6.1 The Chief Executive is authorised to take any action he considers necessary in the interests of the Council in cases of urgency.

The Constitution (Part D8) provides that any decisions taken in this way will be reported to a meeting of the Cabinet, Council or committee, as appropriate. Full Council is normally required to agree changes to its own schedule of meetings unlike Cabinet and other Committees where the Chair is enabled to change the meeting date and time where 'good reason' allows (Part D5, 3.4). The Constitution also requires (at Part C1, 1.3.19) that, following the taking of an urgent decision, the Leader will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why it was treated as urgent.



7. RISK ASSESSMENT

7.1 There are no risks associated with the report.

8. EQUALITIES IMPACT

8.1 There are no impacts on equalities.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There are no climate and ecological emergency implications.

10. BACKGROUND PAPERS

10.1 None.

(END)

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Delegated Decision Notice (DDN)

This form is used to record any delegated decision which has been taken by officers under delegated authority.

Decision title	Change of Full Council Meeting Date
Decision date	12 June 2024
Decision maker	Chief Executive Officer
Source of delegation (resolution or Constitution – please reference)	<p>Part D8 of the Constitution authorises the Chief Executive to take any actions necessary in the interests of the Council:</p> <p>The Council’s Chief Executive has delegated authority to take any action they consider necessary in the interests of the Council in cases of urgency. They must only act after consultation with the Leader of the Council, the Chair of the Council or the appropriate Committee and the relevant Ward Member(s), if any. Any action taken in this way shall be reported to the first available meeting of the Council, Cabinet or relevant Committee, as appropriate.</p>
Decision taken	To alter the date of the Full Council meeting on 17 July 2024 to 31 July 2024.
Reasons for the decision	<p>In light of a General Election being called for 4 July 2024, a number of the Council’s meetings and their associated publication dates and processes are close to the polling day for the election and agendas would need to be published during the pre-election period. The current meeting timetable would require staff affected by the Publica Transition to be briefed on the Transition in the days leading up to the General Election, which many staff will be focused on delivering, which was not considered to be appropriate. Therefore, it was considered appropriate to move the meetings to later in the month. Whilst other meetings can be moved as appropriate within the provisions of the Constitution, Full Council is normally required to agree changes to its own schedule of meetings. In the absence of a Council meeting before July 2024, the only option available was for Urgency Powers by the Chief Executive to be used.</p>
Alternative options considered	Consideration was given to continuing to hold the meetings at the scheduled times, but this was not deemed to be appropriate option as pre-election period rules still applied.
Key or non-key?	Non-Key (key decision rules do not apply to non-executive decisions)
Subject to urgency rules?	Yes
Affected wards	None



Details of consultation undertaken	Leader of the Council, Deputy Leader of the Council, Director of Governance and Development (Monitoring Officer), Business Manager for Democratic Services, Chair of Full Council; Vice-Chair of Full Council.
Lead officer	Robert Weaver, Chief Executive Officer robert.weaver@cotswold.gov.uk
List of documents considered	None



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL - 31 JULY 2024
Subject	APPOINTMENT AND REMUNERATION OF INDEPENDENT PERSONS
Wards affected	None
Accountable member	Councillor Joe Harris, Leader of the Council Email: Joe.Harris@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 appoint Independent Persons for standards matters and approve allowances payable.
Annexes	Annex A- Advertisement for Recruitment of Independent Persons
Recommendation(s)	That Full Council resolves to: <ol style="list-style-type: none"> 1. 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. Approve 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. Authorise 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.
Corporate priorities	<ul style="list-style-type: none"> • Delivering Good Services
Key Decision	NO



COTSWOLD
DISTRICT COUNCIL

Exempt	NO
Consultees/ Consultation	Audit and Governance Committee Democratic Services Business Manager Chief Executive



1. EXECUTIVE SUMMARY AND BACKGROUND

- 1.1** The Localism Act 2011 (the Act) 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** The Council's Constitution, in accordance with Section 28 of the Act requires the Council to have appoint at least one Independent Person to assist the Monitoring Officer in assessing code of conduct complaints. The role of the independent persons is to provide views which are taken into account by the Monitoring Officer before a decision is made on whether a Member has breached the code of conduct. Their views may also be sought by the Council in relation to an allegation or by a Member who is alleged to have breached the code. ('Subject Member'). As a result, at least two Independent Persons should be appointed, so that one may advise the Monitoring Officer and the second may advise the Subject Member.
- 1.3** Due to the retirement of an existing independent person, the Council is recommended to appoint at least one replacement.

2. INDEPENDENT PERSONS

- 2.1** In all cases where the Monitoring Officer has been required to consider a Code of Conduct complaint they have consulted with the Independent Person, as required by the Localism Act 2011. One of the Council's Independent Persons, John Acton, retired on 31.03.2024, recruitment was undertaken to secure a replacement. The remaining Independent Persons continue to contribute in an invaluable and constructive manner, and are recommended for re-appointment.
- 2.2** The Localism Act 2011 provides that the Independent Person may not currently or within the past five years be a;
 - Member, co-opted Member or Officer of the Authority
 - Member, co-opted Member or Officer of a Town or Parish Council of which the Authority is the Principle Authority or
 - Relative or close friend of a person referred to above
- 2.3** The Independent Person role was advertised by the recruitment team and on social media channels. Following a robust selection and interview process, two candidates – Robert



Cawley and Melvin Kenyon demonstrated that they met all of the requirements of the person specification for the role and are therefore recommended for appointment.

- 2.4** Dr Robert Cawley has extensive experience as a panel member and an adjudicator in a number of sectors, including serving as an Independent Person for Stevenage Borough Council, Education Associate with the General Medical Council, and Independent Member of the Parole Board. He lives in Suffolk and has a doctorate in educational research.
- 2.5** Melvin Kenyon has is currently a non-executive director in social housing and has a background in both the private and public sectors. He has extensive experience in investigating standards complaints for numerous local authorities, serves as an independent person for Pendle Borough Council and Basingstoke and Deane Borough Council and lives in Stevenage.
- 2.6** Appointing two additional independent members would increase the resilience around standards complaints and provide the Monitoring Officer and Standards Hearing Sub-Committee with a greater pool of expertise on which to draw on.

3. ALTERNATIVE OPTIONS

- 3.1** As referenced in the body of the report, the Council has a statutory duty to recruit at least one Independent Person. The Council could determine to not appoint one or more of the existing or proposed Independent Persons, but that will reduce resilience and is not recommended.

4. FINANCIAL IMPLICATIONS

- 4.1** It is lawful to pay Independent Persons an allowance and payment does not affect their independence. An allowance of £1,000 per annum was agreed last year. This payment is recommended to continue, plus mileage expenses at the same value as that received by elected Members, currently 45 pence per mile by car for travelling to and from official meetings and other approved duties.

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 There are no equalities implications resulting directly from this report.

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)

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Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL - 31 JULY 2024
Subject	APPOINTMENT AND REMUNERATION OF INDEPENDENT PERSONS
Wards affected	None
Accountable member	Councillor Joe Harris, Leader of the Council Email: Joe.Harris@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 appoint Independent Persons for standards matters and approve allowances payable.
Annexes	Annex A- Advertisement for Recruitment of Independent Persons
Recommendation(s)	That Full Council resolves to: <ol style="list-style-type: none">1. 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. Approve 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. Authorise 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.
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services
Key Decision	NO



COTSWOLD
DISTRICT COUNCIL

Exempt	NO
Consultees/ Consultation	Audit and Governance Committee Democratic Services Business Manager Chief Executive



1. EXECUTIVE SUMMARY AND BACKGROUND

- 1.1** The Localism Act 2011 (the Act) 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** The Council's Constitution, in accordance with Section 28 of the Act requires the Council to have appoint at least one Independent Person to assist the Monitoring Officer in assessing code of conduct complaints. The role of the independent persons is to provide views which are taken into account by the Monitoring Officer before a decision is made on whether a Member has breached the code of conduct. Their views may also be sought by the Council in relation to an allegation or by a Member who is alleged to have breached the code. ('Subject Member'). As a result, at least two Independent Persons should be appointed, so that one may advise the Monitoring Officer and the second may advise the Subject Member.
- 1.3** Due to the retirement of an existing independent person, the Council is recommended to appoint at least one replacement.

2. INDEPENDENT PERSONS

- 2.1** In all cases where the Monitoring Officer has been required to consider a Code of Conduct complaint they have consulted with the Independent Person, as required by the Localism Act 2011. One of the Council's Independent Persons, John Acton, retired on 31.03.2024, recruitment was undertaken to secure a replacement. The remaining Independent Persons continue to contribute in an invaluable and constructive manner, and are recommended for re-appointment.
- 2.2** The Localism Act 2011 provides that the Independent Person may not currently or within the past five years be a;
 - Member, co-opted Member or Officer of the Authority
 - Member, co-opted Member or Officer of a Town or Parish Council of which the Authority is the Principle Authority or
 - Relative or close friend of a person referred to above
- 2.3** The Independent Person role was advertised by the recruitment team and on social media channels. Following a robust selection and interview process, two candidates – Robert



Cawley and Melvin Kenyon demonstrated that they met all of the requirements of the person specification for the role and are therefore recommended for appointment.

- 2.4** Dr Robert Cawley has extensive experience as a panel member and an adjudicator in a number of sectors, including serving as an Independent Person for Stevenage Borough Council, Education Associate with the General Medical Council, and Independent Member of the Parole Board. He lives in Suffolk and has a doctorate in educational research.
- 2.5** Melvin Kenyon has is currently a non-executive director in social housing and has a background in both the private and public sectors. He has extensive experience in investigating standards complaints for numerous local authorities, serves as an independent person for Pendle Borough Council and Basingstoke and Deane Borough Council and lives in Stevenage.
- 2.6** Appointing two additional independent members would increase the resilience around standards complaints and provide the Monitoring Officer and Standards Hearing Sub-Committee with a greater pool of expertise on which to draw on.

3. ALTERNATIVE OPTIONS

- 3.1** As referenced in the body of the report, the Council has a statutory duty to recruit at least one Independent Person. The Council could determine to not appoint one or more of the existing or proposed Independent Persons, but that will reduce resilience and is not recommended.

4. FINANCIAL IMPLICATIONS

- 4.1** It is lawful to pay Independent Persons an allowance and payment does not affect their independence. An allowance of £1,000 per annum was agreed last year. This payment is recommended to continue, plus mileage expenses at the same value as that received by elected Members, currently 45 pence per mile by car for travelling to and from official meetings and other approved duties.

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 There are no equalities implications resulting directly from this report.

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)

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Cotswold District Council is dedicated to maintaining and enhancing the district as one of the best places to live, work and visit in the UK. We provide a range of important services including waste and recycling collections, planning, housing, leisure, community safety and environmental health. The Council has an ambitious Council Plan focussed on a range of important priorities including climate action, strong local communities, and a vibrant district economy. We want to deliver excellent modern services whilst ensuring the financial sustainability of the Council. We also want to continue working in close partnership with our local communities and other important partners.

We are currently looking for Independent Persons who can help strengthen our governance and assist in fulfilling our statutory duties relating to the elected members of the Council, specifically to assist with standards matters.

The Council promotes and maintains high standards of conduct through its Monitoring Officer. Under the Localism Act 2011, the Council has adopted a Members' Code of Conduct, which reflects the Nolan Principles of Public Life.

The Council has arrangements in place for dealing with any allegations that the Code has been breached by an elected member of Cotswold District Council or one of the town or parish councils in the district. The Act requires that, before a decision is taken on an allegation, the Council's Monitoring Officer seeks the views of a duly appointed Independent Person.

Independent Persons also have a further role and are involved if the authority is considering dismissing one of its statutory officers (the Chief Executive, Chief Finance Officer or Monitoring Officer).

Independent Persons must be able to act objectively, impartially and in confidence, making reasoned judgements based on evidence. They should have a demonstrable interest in local democracy and local government, and an enthusiasm to develop a sound understanding of the ethical and regulatory framework relating to member standards.

Terms of appointment:

Independent persons will be appointed for a fixed term. There's an annual payment of £1000 per annum, plus a mileage allowance.

Selection:

Candidates must be able to demonstrate a high degree of personal integrity. Some knowledge of the role of councillors would be advantageous but is not essential. The successful applicant will receive specific training to enable them to undertake the role effectively

Please note that you are not eligible for appointment if:

1. you are an elected member or officer of any local authority, this includes town and parish councils;

2. you have a close personal relationship with an elected member or officer of the Council;
3. has a public profile in party politics including a role on the management or selection committee(s) of a registered political party or who has been a candidate or canvasser for a registered political party at local or national election; or
4. has an existing relationship with Cotswold District Council that could cause a potential conflict of interest such as a contractual relationship with the Council as a supplier.
5. you are under 18 years of age.

If you are interested in applying please email your CV, together with a covering letter setting out why are interested in the role by no later than 7 June 2024.

Agenda Item 12



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL – 31 JULY 2024
Subject	APPOINTMENT OF TEMPORARY TOWN OR PARISH COUNCIL MEMBERS
Wards affected	The Rissingtons
Accountable member	Councillor Joe Harris, Leader of the Council Email: Joe.Harris@Cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance and Development Email: Democratic@Cotswold.gov.uk
Report author	Ana Prelici, Governance Officer Email: Democratic@Cotswold.gov.uk
Summary/Purpose	To agree the appointment of a temporary member of Upper Rissington Parish Council, enabling the Parish Council to become quorate and to update the appointment arrangements, allowing delegation of this function to the Director of Governance and Development (Monitoring Officer).
Annexes	Annex A – Draft Procedure for Appointments to Town or Parish Councils
Recommendation(s)	That Full Council resolves to: <ol style="list-style-type: none"> 1. Agree 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. Note 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. Approve 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.



Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services• Supporting Communities
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Upper Rissington Parish Council Councillor Andrew Maclean, Ward Member for The Rissingtons Chief Executive Democratic Services Business Manager



I. EXECUTIVE SUMMARY AND MAIN POINTS

- I.1** A Parish Council must be quorate in order to operate and make decisions. The statutorily prescribed quorum for a Parish Council is one third of its membership, subject to a minimum of three.
 - I.2** Section 91 of the Local Government Act 1972 ('the Act') gives the Council the power to make an Order appointing temporary members to a Parish Council, where that Council cannot function because of the number of vacancies. This power is one which cannot, under the applicable Regulations, be taken by the Executive, and is only exercisable by Council.
 - I.3** Following resignations, Upper Rissington Parish Council which sits within the Rissingtons Ward is no longer quorate, having three parish councillors for its eleven seats which is below the quorum of four. The Parish Council is therefore unable to act. The Act states that this Council 'may by Order appoint persons to fill all or any of the vacancies until other Councillorstake up office'. Therefore, Cotswold District Council can appoint one councillor to enable Upper Rissington Parish Council to be quorate.
 - I.4** It is considered that it would be appropriate for the member of this Council who represents the Rissingtons Ward, Councillor Andrew Maclean, to be appointed to the temporary position. Should Councillor Maclean be unable or not willing to take on the role, the approval of the third recommendation set out below in paragraph I.5 would enable the Monitoring Officer to make an alternative appointment. The appointment would cease to have effect as soon as the Parish Council is otherwise quorate.
- 1.1.** On 5 July 2021, the Cabinet approved a procedure for appointing temporary members to town and parish councils, which enabled the Council to adapt to situations where town or parish councils become inquorate promptly. In undertaking reviews of its standards arrangements and related matters, it was highlighted by the Council's Legal team that under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the power to make such appointments, and the delegation thereof lies with the Council as opposed to Cabinet.
 - 1.2.** Council is therefore recommended to approve the updated procedure, delegating authority to the Monitoring Officer 'To make orders and make temporary appointments to parish councils as required under the powers in Section 91 of the Local Government Act 1972'. This is requested for reasons of expediency, and therefore delegated authority to ensure that town/parish councils remain inquorate for as short a period as possible, and that the convention shall be to appoint the District Councillor/s whose ward incorporates the inquorate town/parish council.



2. ALTERNATIVE OPTIONS

- 2.1 Council is not obligated to make a temporary appointment, however if it does not do so, Upper Rissington Parish Council may not be able to function until after its next scheduled elections in May 2025.
- 2.2 Council could choose to not approve the updated arrangements, but doing so, and particularly omitting the delegation to the Monitoring Officer, would mean that Full Council would need to approve appointments going forward. This could delay Town and Parish Councils from becoming quorate, and could risk them being unable to function (e.g. where they are unable to make payments).

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising directly from this report.

4. LEGAL IMPLICATIONS

- 4.1 The report provides a summarised version of the statutory power contained in the Local Government Act 1972.

5. RISK ASSESSMENT

- 5.1 By not appointing a temporary member, Upper Rissington Parish Council may not be able to function until after its next scheduled elections.

6. EQUALITIES IMPACT

- 6.1 There are no equalities impacts.

7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 7.1 There are no climate and ecological emergency implications arising directly from this report.

8. BACKGROUND PAPERS

- 8.1 None.

(END)

Procedure for making temporary appointments to Town and Parish Councils

This process enables Cotswold District Council to **utilise its discretionary power to** make an Order to appoint persons to town and parish councils in accordance with Section 91 of the Local Government Act 1972.

1. **Usually** the Clerk to a town or parish council notifies Cotswold District Council that their authority is unable to **act operate** due to being inquorate.

2. Electoral Services verifies the number of seats on that Council and that it is inquorate. They also identify the number of appointments required in order for the Town or Parish Council to be quorate.

3. **Once confirmed the Town or Parish Council is inquorate, the Monitoring Officer may approach all** Ward Member(s) in the Ward in which the Town or Parish Council is located. **These Ward Member(s)** will be offered the opportunity to be appointed to that **Town and Parish** Council as a temporary appointment until such time as the vacancies are filled by election or co-option.

4. If sufficient **or appropriate** appointments cannot be made from **Ward Member(s) from within the Ward in which the Town or Parish Council is located, the Monitoring Officer may also approach Ward Member(s) from adjacent Wards and offer them the opportunity to be appointed to that Town or Parish Council as a temporary appointment until such time as the vacancies are filled by election or co-option. temporary appointments will be made from adjacent Ward Members.**

5. All appointments will end once sufficient members are elected or co-opted to the **Town or Parish** Council.

6. In the event **there are that** no sufficient or appropriate Ward Member(s) (Paragraph 3), and/or adjacent Ward Member(s) (Paragraph 4), **member-wishes which can to** be appointed **to the Town or Parish Council on a temporary basis, the Monitoring Officer-**

~~Returning Officer, or in their absence, Deputy Returning Officer,~~ is authorised to appoint ~~nominate~~ any other person in ~~following~~ consultation with ~~the~~ Group Leaders.

7. All appointments will be authorised by the ~~Monitoring Officer~~ ~~Returning Officer~~.

8. In the event that no ~~appointment can be made by the Monitoring Officer~~ ~~nominations can be made,~~ a report will be submitted to ~~Full Cabinet Council~~ where a decision will be made as ~~The Committee will then decide~~ who should be appointed to the Town or Parish Council .

9. In accordance with section 91(3) of the Local Government Act 1972 the Monitoring Officer will arrange for two copies of the Order to be sent to the Secretary of State.

Approved by ~~-Council~~ 31 July 2024

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