

Public Document Pack



COTSWOLD
District Council

Tuesday, 11 March 2025

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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, 19 March 2025 at 2.00 pm.**

A handwritten signature in black ink, appearing to read 'Rob Weaver'.

Rob Weaver
Chief Executive

To: Members of the Council

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

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**

To confirm the minutes of the meeting of Council held on 24 February 2025.

4. **Announcements from the Chair, Leader or Chief Executive**

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 prior to the publication of the agenda:

Question 1: Councillor Blomefield to Councillor Layton, Cabinet Member for Housing and Planning

Despite increasingly wet weather, this country faces growing water shortages making it essential to better conserve this precious resource.

Currently, per capita water consumption is approximately 150 litres per day but could be reduced to 100 litres by using new technology, like Danish Flowloop and Dutch Hydroloop shower systems, as well as rainwater harvesting.

In Belgium, where rainwater harvesting is mandatory, the water is used for laundry and toilets.

New properties are now fitted with water meters, even better are smart meters which offer live usage tracking and leak detection—particularly important since 30% of leaks occur within properties. Reducing mains water consumption and increasing rainwater harvesting would not only help the environment but also lessen the load on the sewage system, reducing overflows into rivers and onto streets during heavy rainfall.

Given this, can the council provide an update on the progress and actions taken in response to Cllr Judd's motion on Grey Water, approved in September 2023?

Additionally, what steps is CDC taking to encourage water-saving plumbing fixtures, smart water meters, and rainwater harvesting systems in all new homes?

Question 2: Councillor Stowe to Councillor Harris, Leader of the Council

Has CDC stopped installing new street signs?

Question 3: Councillor Daryl Corps to Councillor Juliet Layton, Cabinet Member for Housing and Planning

Many new, unadopted housing developments in the district are experiencing ongoing and often drawn-out problems with management companies regarding open spaces on new developments.

These include the quality of the maintenance work carried out and the lack of

transparency over charges which can change every year and are unlimited. Stratford-on-Avon District Council have adopted a new "Open Space Supplementary Planning Document" whereby all future Public Open Space as part of new developments will ultimately be adopted by either the local Town/Parish Council or by the District Council.

As CDC is planning 1000's of new houses in Moreton and across the district, getting this right now will protect important green spaces across the district while ensuring a more certain future for residents.

Is CDC looking to adopt a similar approach?

7. **Publica Transition Plan - Phase 2** (Pages 9 - 40)

Purpose

To consider the document Publica Transition: A Plan for Phase 2 of Council Services ("Phase 2 Transition Plan"), to note its contents and to approve the recommendations therein.

Recommendations

That Council resolves to:

1. Approve the implementation of Phase 2 of the Publica Transition on the basis of the Phase 2 Transition Plan;
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 Phase 2 Transition Plan;
3. Delegate authority to the Director of Governance in liaison with the Leader to update the constitution by making any consequential changes required as a result of Phase 2 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.

8. **Community Governance Review - Upper Rissington** (Pages 41 - 46)

Purpose

To approve the final recommendation of the Community Governance Review for Upper Rissington.

Recommendations

That Council resolves to:

1. Approve the final recommendations in relation to the Upper Rissington and Great Rissington.
2. Authorise the Head of Legal Services to make a Reorganisation of Community Governance order to implement the changes agreed by Council.

9. **Pay Policy Statement 2025** (Pages 47 - 60)

Purpose

To consider the Council's Pay Policy Statement for 2025/26.

Recommendation

That Council resolves to:

1. Approve the Pay Policy Statement for 2025/26.

10. **Amendments to the Constitution - Report of the Constitution Working Group (March 2025)** (Pages 61 - 108)

Purpose

To consider proposals from the Constitution Working Group for amendments to the Constitution.

Recommendations

That Council resolves to:

1. Agree to remove the words "The Chief Executive will act as the Cost Centre Manager for that budget" from paragraph 4.18 of Part D6: Overview and Scrutiny Committee Procedure Rules.
2. Approve the Protocol for Webcasting Meetings (Annex A) for inclusion in the Constitution.
3. Delegate authority to the Director of Governance and Development to update the Protocol for Webcasting Meetings in the event that the government changes the law to enable remote attendance and/or proxy voting at local authority meetings.
4. Approve the changes to Part D1 11.3 to clarify how questions on notice will be dealt with at Cabinet and Committee meetings (Annex B).
5. Approve the updated Probity in Licensing Protocol (Annex C).
6. Approve the updated Contract rules (Annex D).

11. **Devolution and Local Government Reorganisation** (Pages 109 - 130)

Purpose

To note the work underway across Gloucestershire in response to the formal invitation received from Government to develop proposals for local government reorganisation (LGR).

Recommendation

That Council resolves to:

1. Note the work taking place across Gloucestershire in response to the formal invitation from Government to develop proposals for Local Government Reorganisation
2. Note the Gloucestershire letter to Government on interim proposals.

12. **Motion A: Farmers Motion**

In accordance with Council Procedure Rule 12, the following Motion has been received:

Farmers Motion

Proposer: Councillor Julia Judd

Secunder: Councillor Joe Harris

This Council notes that we currently only produce 60% of the food that we need here in the UK. Food imports already outnumber exports by £33.2 billion. A reduction in the food that we produce will only increase our vulnerability to international factors outside our control - we have already felt this impact in the energy market.

This Council also notes that:

- According to the NFU: 7,419 people are directly employed in agriculture in Gloucestershire, that's 12.1% of the South West's farm workers
- Gross Output = £318 million, GVA = £128 million
- Of the 85,397.1 Hectares of arable farmland, 63.2% (53,965.1Ha) is cereal crops, that's 24.1% of Gloucestershire's farmed area and 18% of all the South West's cereal production.
- The National Farmers Union calculates that 75% of commercial family farms will fall above the £1 million threshold across the UK.
- Over the past 60 years the proportion of household income spent on food in the UK has halved, from 33% in 1957, 11.8% in 2022. Food prices have come down, farmers' income from food production has come down and supermarket profits have ballooned.
- neither DEFRA, the Government's own department, nor industry experts in the farming sector were consulted before the chancellor made her announcement. DEFRA did not even know about the decision until after the chancellor's announcement.

This Council believes that

- proper consultation with farmers and industry experts could have led to fairer and more appropriate solutions that are not detrimental to family farms or the wider industry. The changes were rushed out and have not been subject to due diligence or proper consideration.
- If hard-pressed farmers are forced to sell their farms because they can't afford to carry on due to a huge tax burden, the land is less likely to stay in food production.
- Large farms are being bought by businesses so that they can take advantage of the 20% tax advantage, and small pockets of land which farmers sell off to cover tax burdens are often re-purposed for example

dog walking fields, equestrian or amenity land such as re-wilding, but not put back into food production

- Tax discount to businesses or individuals buying agricultural land to avoid tax should be abolished

This Council resolves to :

1. Agree to support Cotswold farmers by campaigning against IHT reforms for farms.
2. Request that the Leader writes to the Chancellor of the Exchequer urging her to scrap the IHT reform imposed on farmers.

13. **Next meeting**

The next meeting of Council will be held on 21 May 2025 at 6.00 pm.

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Agenda Item 7



COTSWOLD
District Council

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL 19 MARCH 2025
Subject	PUBLICA REVIEW – PHASE 2 TRANSITION PLAN
Wards affected	All wards.
Accountable member	Cllr Joe Harris, Leader of the Council Joe.harris@cotswold.gov.uk
Accountable officer	Rob Weaver, Chief Executive Rob.weaver@cotswold.gov.uk
Report author	Andrew Pollard, Interim Programme Director for the Publica Transition Programme Andrew.pollard@westoxon.gov.uk
Summary/Purpose	To consider the document Publica Transition: A Plan for Phase 2 of Council Services ("Phase 2 Transition Plan"), to note its contents and to approve the recommendations therein.
Annexes	Annex A – Phase 2 Transition Plan
Recommendation(s)	That Council resolves to: <ol style="list-style-type: none">1. Approve the implementation of Phase 2 of the Publica Transition on the basis of the Phase 2 Transition Plan;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 Phase 2 Transition Plan;3. Delegate authority to the Director of Governance in liaison with the Leader to update the constitution by making any consequential changes required as a result of Phase 2 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.
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	Chief Executive, Director of Finance, Director of Governance, Leader, Deputy Leader, Executive Members, Interim Programme Director, Publica Interim Managing Director, Publica Assistant Directors.



1. BACKGROUND

- 1.1** In January 2024, an Interim Programme Director was appointed to support the Council and other Councils who are shareholders in Publica in delivering the Publica Transition Programme (“Programme”). The Interim Programme Director established a small Programme Management Office (“PMO”) to support the delivery of the Programme. A key element of the Programme is the development of a Detailed Transition Plan (“DTP”). This was prepared by the Interim Programme Director in Spring 2024, focussing on Phase 1 of the transition. It noted the overall objective of ensuring that the majority of services should move from Publica to be under greater control from the Councils in accordance with the recommendations of the Human Engine report, which the Council endorsed in November 2023.
- 1.2** The DTP was approved by the Council as well as the other District Council shareholders in Publica in July 2024. Phase 1 of the transition, comprising a core suite of Council services, was delivered on 1 November 2024 in accordance with the DTP. The majority of the Council’s services have continued to be delivered by Publica. Accordingly, the DTP had envisaged a Phase 2 transition of services in/around Spring 2025. Initial planning work for Phase 2 began in Autumn 2024.
- 1.3** In developing the Phase 2 Transition Plan, the PMO considered carefully the Councils’ objectives expressed through their corporate plan objectives, the design led principles outlined at high level by Local Partnerships in their report of February 2024, which preceded the DTP, and the aims of the Transition in relation to services and service delivery to:
- 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.
- 1.4** As part of planning for Phase 2 an initial workshop was held between District Council CEOs, Publica’s Interim MD and the Interim Programme Director to seek to prioritise potential services for Phase 2. A more developed workshop was subsequently held with service leads at Publica to begin to map out current and potential future ways of



working. Publica service leads provided information to the Programme Management Office on their service streams and how they operate, with suggestions on what future service models could look like

- 1.5** It was noted that in the Government's English Devolution White Paper a path has been set down for a significant re-organisation of Local Government. There are, however, many services that continue to require focus at a locality and District Council level in the immediate term, prior to such a re-organisation taking effect, which Phase 2 of the Transition could help support and underpin. Nonetheless, consideration will be given to the impacts of the White Paper and potential unitarisation of councils and the impact this has on Publica, which will be the subject of additional reporting as more information becomes available.
- 1.6** Consistent with the requirement to sharpen locality-based service delivery in the immediate term and the need for the District Councils to deliver on their corporate plans it was agreed to bring forward a Transition Plan for Phase 2 as soon as practicably possible comprising these priority service areas:
- Property & Estates
 - Waste
 - Leisure
 - Project Management
- 1.7** It was agreed previously to consider any lessons learned from Phase 1 before embarking on a Phase 2 transition plan in detail. The Phase 2 Transition Plan identifies the key considerations.
- 1.8** For the Phase 2 Transition Plan, costings have modelled, beginning with ensuring an assured baseline onwards, together with a consideration of risk, opportunity and risk mitigation, with each element informing the overall project brief. Opportunities for sharing of certain services and roles were considered as part of the brief, however for these priority service areas it has been determined that a sovereign approach makes most sense at this stage. Taken together, this has enabled a Programme GANTT chart to be refined over time which provides the backbone to Phase 2 of the programme.



1.9 Through the process, it became clear that Phase 2 needed to take effect on 1 July 2025 to allow sufficient time for workforce consultation on the assumption that the District Councils were in a position to give support to the plan for Phase 2 in March 2025.

2. TRANSITION PLAN

2.1 The Phase 2 Transition Plan sets out the services proposed to transfer, the process, consideration of risks and opportunities, cost implications, practicalities and timelines. 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. COUNCIL PLAN

3.1 The Council has adopted an ambitious Council Plan. There are five priorities, of equal importance, which will guide the work we do:

- Delivering Good Services
- Responding to the Climate Emergency
- Delivering Housing
- Supporting Communities
- Supporting the Economy

3.2 The Phase 2 Transition Plan and the broader Publica transition supports these objectives.

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 Council Plan.

4.2 The rationale for the additional costs of Phase 2 is:

- A more focused and defined approach to driving the delivery of the Council's priorities as set through the Council Plan.
- Much better definition between Policy and high-level strategy on the one hand and delivery on the other. More defined control for the Council.



- Greater clarity over roles, responsibilities and accountabilities – and where direction is set from.
- Greater clarity and focus for those functions remaining with Publica – such as Revenues and Benefits, and ICT.
- Enabling performance and value for money be more clearly defined and measured by the Council.
- 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 and adapt to changing circumstances.
- 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 the Cotswold community.
- 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 commercial mindset when considering engagement with businesses, residents and key stakeholders, ensuring a cost recovery approach is used where appropriate to maximise service efficiencies, whilst balancing with community benefit.
- Better focus and ability to drive the sustainability agenda of the Council.

It is assumed within the Phase 2 Transition Plan that with the significant changes to Publica, there would 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 February 2025 Medium Term Financial Strategy (MTFS) Assumptions

The financial implications of Phase 2 are framed in the context of the February 2025 Medium-Term Financial Strategy (MTFS), as approved by the Council at the meeting on 24 February 2025. Sections 6 of the MTFS (paragraphs 6.19 to 6.32) outlined the broad assumptions made regarding the additional costs arising from Phase 2. 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.

The 2025/26 Revenue Budget includes provision for additional costs of £0.225m for the part-year impact of Phase 2 (£0.300m in a full-year).

Also included in the 2025/26 revenue budget is provision for additional posts of £0.272m, as detailed in paragraph 6.27 and Table 7 of the Council report. Whilst the majority of these additional posts are part of Phase 2, the Enduring Annual Impact of £0.245m shown in Table 1 of Section 7 of the DTP does include an additional post "Strategic Housing Support" which does fall within the structure considered for Property, Housing and Assets.

The Enduring Annual Impact includes this role for completeness, but it should be noted that the "Strategic Housing Support" role is financed from the Council Tax Second Homes Premium.

5.2 Phase 2 Methodology

The methodology followed in the financial modelling for Phase 2 is summarised below:

- Baseline data based on January 2024 payroll information updated to reflect the 2024/25 Pay Award and latest available post holder information.
- 60 roles were identified as in scope for Phase 2 priority areas.

5.2.1 10 posts are directly attributable to the Council and will transfer from Publica to Cotswold District Council. There are 30 fragmented roles.

- Cost increases attributable to the posts identified under Phase 2 arise due to:
- Service structures reflect the reduced ability to share roles – with the priority service areas being established by each Council on a 'sovereign' basis
- 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.



- 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.

5.3 One-off costs (Transition Support, Provision for redundancy)

As set out in [2025/26 Revenue Budget, Capital Programme and Medium Term Financial Strategy](#) report approved by Council on 24 February 2025, paragraph 6.21 states that £0.225m of the £0.500m set aside to support the transition programme is available to support Phase 2.

Paragraph 6.28 outlines the estimated £0.300m required to cover the Council's share of one-off costs such as redundancy and pension strain costs. These would be financed from one-off funding.

5.4 Actions/Mitigations

There are limited opportunities for compensating cost reductions within the Publica Contract Sum under Phase 2. The Enduring Annual impact of Phase 1 (£0.481m) was net of cost reductions of £0.503m associated with changes made to the Publica management structure. These reductions were 'front-loaded' and there is no compensating cost reduction associated with Phase 2 at this stage.

As set out in the [Phase 1 DTP covering report](#) and in the [2025/26 Revenue Budget, Capital Programme and Medium Term Financial Strategy](#) report to Council, there is a requirement for service transformation to mitigate cost increases associated with Phases 1 and 2.

"A 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."

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 Council), CDC (Cotswold District Council) and WODC (West Oxfordshire District Council); an 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. 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 the time being 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 or not to transfer services back in-house, whereupon it will vary the contract or give notice.

6.4 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 completed in the name of the Council.

6.5 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.



6.6 Best Value Consultation

External legal advice has been sought and obtained on whether or not 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.

6.7 Employment Law

The proposal has at its core a change in the employment relations of all employees 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. In the case of this Phase 2, the impacts of TUPE are more limited than was the case with Phase 1. 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. Where a role is fragmented (roles delivering across more than one council) and will no longer remain shared post transfer, TUPE will not apply. In these instances, formal consultation will be undertaken 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.

6.8 In addition to the responsibilities entrusted to him by elected members, the Chief Executive is statutorily responsible for the numbers, grades, roles and appointment of all staff other than the statutory officers.

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.

9. CLIMATE AND ECOLOGICAL EMERGENCIES

9.1 This recommendation has no climate change implications

10. BACKGROUND PAPERS

10.1 Annex A – Phase 2 Transition Plan.

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Publica Transition: A Plan for Phase 2 of Council Services

Contents

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- 7.0 Financial modelling assumptions and outputs**
- 8.0 Transition and Post-Transition**
- 9.0 Recommendation**

APPENDIX - Financial Annexures

1.0 Background

In July 2024, Cotswold District Council, Forest of Dean District Council and West Oxfordshire District Council (together, 'the District Councils') resolved to proceed with the Detailed Transition Plan ("DTP") in relation to Phase 1 of Publica services.

Phase 1 comprised services that are at the core of the activities of virtually every council in the Country and would ordinarily be expected to be part of any council's core direct service delivery. Following the resolution to proceed, the Phase 1 services that transitioned to each of the District Councils on 1 November 2024, comprising some 276 roles were:

- 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.

At the same time, Publica's senior leadership was changed to reflect the reduced organisation headcount and service delivery, with three Assistant Director roles going forward, compared to seven that had existed at the inception of the Publica Transition Programme. Two Publica Assistant Directors took up Director level posts as part of the Phase 1 transition at two of the District Councils.

This Plan for Phase 2 of Council services repatriation ('Phase 2 Transition Plan'), which should be read in conjunction with the DTP, develops the Publica Transition into its second phase, with a defined suite of services intended to move across to the District Councils in Spring 2025. Like the DTP, this Plan does not affect Cheltenham Borough Council, the fourth council shareholder of Publica.

Whilst Phase 1 of the Publica Transition was comprehensive, covering at least 15 areas of service, there remains an imperative to deliver a Phase 2 and potentially, in due

course, subsequent phases as requirements evolve. As referenced in the DTP, the Human Engine report and the later Local Partnerships' report had envisaged a Phase 2 to the Publica Transition. The rationale for so doing remains as outlined in the DTP, namely:

- A more focused and defined approach to driving each council's priorities through their corporate plan strategies. This is particularly key for Phase 2.
- Greater clarity and focus for those functions remaining with Publica. Publica is increasingly concentrating on the delivery of support services, and this is across the piece, including for Cheltenham Borough Council and UBICO.
- Greater clarity over roles, responsibilities and accountabilities – and where direction is set from.
- Enabling performance and value for money to be more clearly defined and measured by the Councils.
- Simplification of processes and in determining whether and how resources can be deployed and redeployed as priorities shift.
- Greater responsiveness and agility, to be able to deliver Council 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.
- Clearer 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.

The Executive sponsors for Phase 2 of the transition 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. In addition, Frank Wilson, the Managing Director of Publica has provided considerable support and assistance in delivering this phase of the transition.

A Link to the DTP is here: [Detailed Transition Plan](#)

2.0 Phase 2 development

The broad parameters of what might constitute a Phase 2 and its relevant services were initially published in the Human Engine and Local Partnerships reports and then explored further as part of the DTP. The DTP recognised that this phase would require careful engagement with key leaders in Publica. This is because unlike the Phase 1 services, which for the most part were a 'lift and shift' with most employees already delivering services for a single council within a shared management structure, Phase 2 services are largely delivered by Publica employees working across the District Councils.

The need for careful consideration and engagement, together with appropriate reflection of Phase 1 were also part of the key messages delivered through the recent Forest of Dean District Council and Cotswold District Council peer reviews.

At an initial meeting of the Chief Executives of the District Councils in September 2024, it was agreed to prioritise the services being considered for Phase 2 aligned to Council priorities. This proved to be prescient in view of English Devolution White Paper ('White Paper') announced by the Government in December 2024.

At the September 2024 meeting, it was agreed to focus on the following more strategic areas as a focus for Phase 2:

- Property & Estates
- Waste & Recycling
- Leisure contract management
- Performance and Business Intelligence
- Project Management
- Environmental and Regulatory Services (ERS) (incl. Licensing & Private sector housing grants)
- Also, Linkline / Careline, which is already effectively hosted at Forest of Dean District Council.

These priority service areas comprise circa 120 roles, with Property & Estates being by some margin the service area considered top priority for each of the District Councils from a strategic service delivery perspective.

It was agreed to work carefully through each of these priority service areas with the Publica service leads, service-by-service, council-by-council through a process of due diligence and to consider carefully the impacts of each of:

- a sovereign service,
- shared service arrangements, or
- retain in Publica.

In addition, the plan was to consider the likely costs and impacts informed by the leaders of each service, and service dependencies and interdependencies (if any) at a service-by-service level. This work would then inform timelines and how Phase 2 could be brought forward practically.

Consideration was also given to the wider suite of Phase 2 services mentioned in the DTP; however, these were not prioritised as they were not considered priorities for the District Councils.

A workshop was held at an early stage with each of the Publica service leads for the wider Phase 2 service areas, who subsequently provided analysis of their areas on an 'as is' and 'to be' basis for consideration by the District Councils. This iterative process has needed individual and collective District Council focus as Phase 2 lends itself much more to each council designing service needs that are specific to each district and their local priorities.

With the White Paper having come forward in December 2024, the expectation of a significant re-organisation of Local Government has been brought into sharper focus. At this stage, the working assumption is that new unitary authorities should be seen as the successor to both District Councils and County Councils in their area. This may well be the best way of considering how there can be fresh and improved ways of working over the longer term, likely to be from 2027 or 2028 and onwards. It also emphasizes that key priorities remain for District Councils across the Country that will need to be delivered against for their localities prior to the implementation of local government re-organisation. Phase 2 should therefore be designed to support this.

Accordingly, Phase 2 has, through an iterative approach, and through careful analysis of how service areas are organised now and how they could suitably be organised in future now evolved into these key focused areas:

- Property & Estates
- Waste & Recycling

- Leisure contract management
- Project Management
- Linkline/Careline

In view of the ambitions of the White Paper, the District Councils have expressed an ambition to get on with these priority areas of Phase 2 without delay to be able to best ensure the key deliverables for their localities as soon as possible, aligned to their Corporate Plan objectives. Phase 2 support to the District Councils has, as before, been provided by the Programme Management Office (PMO) and by the HR Business Partners (one has been seconded to each District Council since Summer 2024).

3.0 Learnings from Phase 1 and goals for Phase 2

Before considering Phase 2 in detail, the District Councils had reflected on Phase 1 and whether any learnings could be brought forward for Phase 2. Phase 1 took effect on 1 November 2024, with the District Councils operating their new teams and management structures from that date. Whilst it is not possible to properly impact assess over a timeframe of only two or three months, particularly for a set of changes as significant as Phase 1, or how well KPIs are being delivered with the new ways of working, it has nonetheless been important to reflect key themes from what is known and understood so far. This has been drawn from Officer Transition Board reflections, more widely from the officer group, from discussions with employees who transferred with Phase 1 and from sample interviews carried out by Local Partnerships for their report.

Key themes are broadly in the following areas:

- Generally, Phase 1 seen to have gone well. Delivery was timely and well within budget. By the same token, PMO resources were lean with mostly internal (Publica) resource used by the PMO to keep costs down. However, there has perhaps been too much reliance on a few key personnel, and this may not always have allowed for wide engagement at every stage of the process. For this reason, Local Partnerships have suggested a variation of the governance framework, see below. It is worth mentioning that lessons from the Cheltenham Borough Homes were useful and were applied in Phase 1.
- Communications were undoubtedly a challenge from the outset with a stated objective having been announced at a very early stage supported only by a high-level study, no detailed business case, due diligence or stakeholder engagement. Language and consistency of messaging was a factor, whether the primary purpose was to drive savings or control, there was not always clarity between these things. Also, there was not the consistency of communications across the board or the frequency that had been anticipated. At times this

generated concerns around the future of Publica. In addition, the late addition to Phase 1 of the Communications team itself, was not well received widely and proved challenging. That said, communications in each Council have settled down well and each Council can more easily shape their communications in a way that is more defined to them and their locality.

- Systems and Processes generally worked very well. Whilst there have, even recently, been some specific issues with Business World, day to day transactions and payroll (which included processing the Local Government pay award) functioned perfectly at and post-transfer.
- TUPE transfer followed a clear and correct process and worked well. Nonetheless there were pressures and pinch points in terms of HR capacity at times.

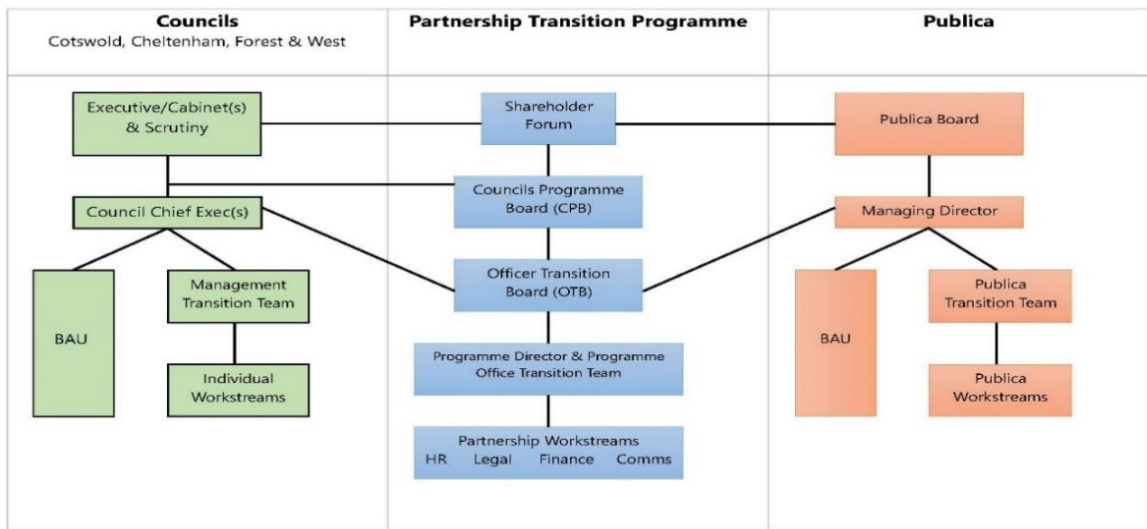
In addition, the District Councils have each engaged at a Member and Officer level on Phase 1 reflections. As part of its People and Culture Strategy Cotswold District Council has undertaken an employee survey seeking views of those that have transitioned in terms of what went well, what could have been done better etc. that will form part of the Phase 1 reflections.

Careful thought has been given to these Phase 1 reflections. Because Phase 2 is different to Phase 1 in how services are being delivered, a slightly different approach is in any case appropriate. This has begun, with considerable engagement with the service leads at Publica at an early stage. It is necessary given that unlike Phase 1, this will not for the most part entail a 'lift and shift' of service delivery.

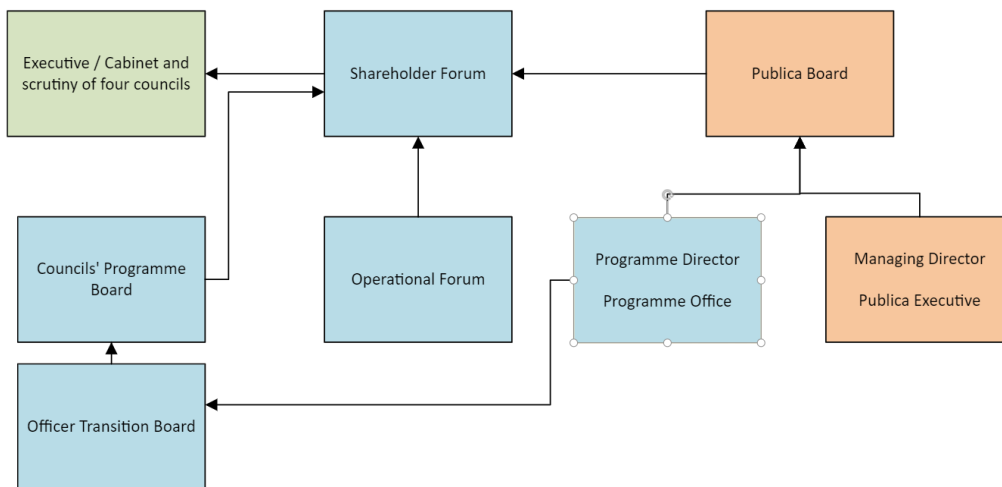
Again, in a similar way to that adopted for Phase 1, the Councils had commissioned Local Partnerships to provide their view and analysis on the processes, project management and governance of Publica, in relation to phase 2.

In terms of project and programme governance, a clear approach to governance was adopted for Phase 1 that in diagrammatic form is represented as follows:

Transition Programme Governance Framework



For Phase 2, Local Partnerships suggested that the governance and oversight process be amended in the future to the following:



There has been a need to progress Phase 2 at pace and as a result the Officer Transition Board has been meeting at least weekly. The impact of this has been to bring Publica executives much closer to the coalface of the transition, which has been beneficial.

'Design led principles' that were a key consideration in Phase 1 to ensure that services can maximise delivery of the Councils' corporate plans and Administrations' Values remain an important consideration for Phase 2.

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 their 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*. This could include potentially use technology in future to help triage in the first instance.

Not all of these will be relevant to each and every service or council.

4.0 Phase 2 Service Considerations

As discussed above, Phase 2 is different from Phase 1 in that it comprises largely roles that are 'fragmented' in nature (roles delivering across more than one council). By the same token, TUPE (the Transfer of Undertakings, Protection of Employees legislation) is well understood. Additionally, legal advice had been obtained on TUPE and process from Trowers & Hamblins previously and this has been and is being followed. The

approach adopted in the planning for Phase 2 has been to seek to TUPE transfer as many roles as reasonably possible as this is the most sensible and practicable way forward.

The essence of the independent legal advice that had been received ahead of Phase 1 was that if the client to the services 'before' and 'after' the insourcing is not the same, then TUPE does not apply. This means that for much of Phase 2, TUPE could not apply. In those instances, roles would be new and would need to be applied for, initially through a process of internal advertisement, otherwise, if needs be, through wider external advertisement.

Consideration was given to changing the service contractual documentation and/or the ways in which Publica provides its services in advance of Phase 2. The purpose of this would be to re-organise services aligned to a TUPE transfer meaning that the re-organised roles and people could be lifted and shifted as was the case with much of Phase 1. However, the time this would take to implement means that this would not be practicable in the circumstances. Additionally, it is not an approach that is easily capable of gaining assurance over.

In terms of timings, assuming a decision to implement this Phase 2 Transition Plan by the end of March 2025 and in view of the goal of ensuring as many roles as possible for the services in scope can TUPE transfer, it is prudent to assume a 'lead in' period ahead of Phase 2 'Go Live' of two to three months. Payroll falls on the 1st of a month. Practically this therefore means implementation of this phase of the transition would be effective no sooner than 1st July 2025.

Every aspect of the foregoing has been considered in developing structure charts, service and costing models for the areas in scope for Phase 2. In terms of the services under consideration:

Property and Estates

Property and Estates is a key service area for all Councils. There is a significant degree of 'fragmentation' across the team that delivers these services. Whilst this service area is considered the highest priority area for each of the District Councils, each has a slightly different focus for the service, dependent on their needs. The approach modelled seeks to reflect what Councils may require in future, informed by experience of the current service model.

It was acknowledged that there is current criticism that property is not performing well, however this is primarily due to lack of resources built into the current model (see below) and this is something to address with Phase 2 of the transition. There is also a significant degree of 'fragmentation' across the piece.

Each council also has defined requirements going forward. For example, West Oxfordshire DC has a particular requirement to focus on its significant property investment holdings and the income and capital value associated with these, Cotswold DC has a particular need to focus on housing and hopes to see significant new housing coming on stream. Forest of Dean has a particular wish to focus on improvements in facilities management and facilities services in view of a fairly heavy footprint in corporate buildings for the size of the authority. In addition, each authority has a number of key development schemes that are likely to be brought forward over the coming years.

In terms of structures, Forest of Dean is the smallest and has a bias towards Facilities Management, West Oxfordshire is the largest with a bias towards investment assets, Cotswold is perceived to be somewhere between the two. Forest of Dean's service also includes the roles associated with its cemeteries which is unique to its service model.

Each service is assumed to be led by a senior qualified professional relevant to the needs of each council in this area

Waste and recycling

Waste and recycling for all authorities is likely to receive increasing prominence in future with the links these services have to climate change, recycling and re-use.

It is recognised that there is a particular focus on waste at West Oxfordshire DC and a need to invest more resource into this, certainly in the immediate term. Accordingly, a senior lead for this service area is assumed together with a support structure. At Forest of Dean DC, a lighter touch integrated approach is assumed with contract management / monitoring and support integrated with environment and climate change, providing an overall brief that provides a reasonable degree of strategic capacity as well. At Cotswold DC, the focus will be on ensuring value for money and that innovation is implemented in terms of service delivery.

Leisure

It is recognised that this service has been thinly stretched over recent years and has close interdependencies with the assets/properties as well as climate teams. One officer has been covering Contract Monitoring activities for all the leisure facilities across all three council areas, implying approximately one third FTE being used for this activity per authority. The result has been limited 'on the ground presence' which has led to difficulties and increased complaints about leisure services.

Traditionally councils would also have had input in leisure programming and links to health and wellbeing activities by working closely with the leisure providers and

relevant internal teams. This is not reflected in the current service model but is reflected in the 'to be' structures, with a Health and Wellbeing Officer added into each Authority's structure.

It is noted that West Oxfordshire has the largest leisure stock, an emerging leisure strategy and a leisure contract which is due to expire in 2027. In 2024, an additional 0.6 FTE role (Contract Monitoring Officer) had been created to relieve pressures and to improve on-the-ground contract monitoring and partnership working with leisure providers in the district. This Council has therefore already created a new role of Leisure Strategy Manager. Given the large number of facilities and the ambitions of the Council, a senior role to cover leisure operations and contract monitoring is needed.

Projects and Project Management

When the Projects specialism was analysed council by council, it became immediately apparent that a great many of the projects were in property or related areas. By their nature, these would need to rely on specialist resource in addition to the more generalist project management resource available in this area. However, such resource has not always been readily available to the extent required. A key consideration has been whether to continue the Projects specialism or whether to augment directly the Property service. Each Council has formed a view of this based on locality needs and the position has been modelled accordingly.

Linkline

Linkline is a service which is delivered by Forest of Dean District Council for residents of Forest of Dean and Cotswold District. This is a very small team who are solely allocated to one council.

5.0 Publica

With Phase 1, savings through streamlining the Publica senior leadership structure were taken up front. For Phase 2, the opportunity for savings through the restructuring of Publica is much smaller. This could, however, include:

Changes in the Leadership Structure – potentially streamline the current structure reflective of the smaller/reducing size of the organisation. It was already in plan for one of the Assistant Director roles to be taken out of the structure. This would leave two Assistant Director roles and the Managing Director, together with a wider leadership team comprised of more specialist but still senior functions including roles such as the Chief Technology Officer and others at a similar level. Potentially, with

Phase 2, a senior role could be released. However, at this stage, it makes sense not to make any assumptions over this in the Phase 2 modelling, but to impact assess the position post-Phase 2 once there is better understanding over the implications of future Local Government Re-organisation.

Changes in the Board structure – potentially streamline the current structure reflective of the smaller/reducing size of the organisation. There is currently a Board comprised of eight: the Chair, 4 Non-Executives, the MD of Publica plus two Executive Directors. Local Partnerships in their report have suggested that a smaller board of perhaps four may be appropriate post-Phase 2 (Chair, NED, Executive Director, Council Officer). At this stage, it makes sense not to make any assumptions over this in the Phase 2 modelling, but to impact assess the position post-Phase 2 once there is a better understanding over the implications of future Local Government Re-organisation. Any changes to the Board may require a shareholders' resolution.

Changes in the corporate structure - 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 with the significant changes to Publica, there would also be a budget re-basing for the 2026/7 financial year.

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.
- Potential restructuring of Local Government resultant from the White Paper.

7.0 Financial modelling assumptions and outputs

A detailed financial model for Phase 2 has been developed, tested and reviewed by the District Councils, Publica's MD and the PMO.

As with Phase 1, a Baseline Model ("*BM*") has been 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 posts included to support Phase 2 services in each Council. The output from the CM is therefore considered within this section of the Transition Plan.

The Phase 2 services present a far greater proportion of fragmented roles in comparison to Phase 1¹. The services transitioned in Phase 1 were more 'Direct' in their nature, allowing TUPE regulations to apply to the majority of roles within the scope of Phase 1.

Consideration of the Phase 2 shared services and associated staff roles have required a different approach to the financial modelling completed in Phase 1; the 'lift and shift' approach and application of TUPE is/was not a viable option for significant roles within the Phase 2 services, therefore the financial modelling for Phase 2 has been tailored accordingly.

The Phase 2 baseline is calculated using the current Publica contract allocation across Clients. This was considered the most equitable² method for establishing a baseline position against which to compare Phase 2 options. The baseline was subject to check and challenge/peer review by s151 officers through the Finance Workstream. S151 officers were content that the baseline 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 OTB has considered the Phase 2 costings for each scenario modelled. All scenario modelling was completed in conjunction with structure charts designed and agreed by key stakeholders in each instance. These included:

- i. **PMO** suggested delivery model: Sovereign model for each Council proposed by benchmark operating models against similar District Councils.

¹ 7% of Phase 1 roles were fragmented, compared to 50% for the priority services in Phase 2

² The alternative was to apply a subjective 'percentage/effort' assessment to each role under consideration for Phase 2.

- ii. **'Publica'** delivery model: Sovereign model for each Council informed by current service delivery leads and Publica Executives.
- iii. **OTB/Council Executives** model. A refinement of the prior scenarios. Informed by CEOs and respective Council Leadership teams.

The preferred solution recommended for progression through scrutiny and due diligence is the OTB/Council Executives model as shown in Table 1 below.

Table 1 – Impact of Phase 2

Phase 2 Indicative Cost Impact	CDC (£)	FODDC (£)	WODC (£)	Total (£)
Phase 2 Baseline (see Table 2a)	695,933	504,600	766,351	1,966,884
OTB/Council Solution (see Table 2b)	941,053	755,441	1,002,851	2,699,345
Phase 2 Enduring Annual impact	245,120	250,841	236,500	732,461
% Increase/Decrease vs Baseline	35.2%	49.7%	30.9%	37.2%

The estimated 'Enduring Annual Impact' of repatriating the core priority Phase 2 services is shown in Table 1.

The forecast annual increase by Council is (noting Phase 2 implementation is anticipated as 1st July, a partial year):

- CDC £245k
- FODDC £251k
- WODC £237k
- **Total Phase 2 £732k**

[Annex A](#) in the Appendix details additional service level information for the Phase 2 services.

8.0 Transition and post-Transition

Subject to the three District Councils deciding to proceed by the end of March 2025, transition timings are assumed to be as follows:

Phase 2 – 'Go Live' 1 July 2025.

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 2. This is available for viewing via the PMO. As soon as the three District Councils have made a decision to proceed with Phase 2, the Programme will move into an implementation phase to deal with the practicalities up to 'go live'. For those roles that are subject to TUPE, consultation will commence in April 2025 aligned to the 1

July target transfer date. For other roles, internal advertisements, initially, will commence as soon as possible from April 2025 onwards, followed by external advertisements if needed.

A communications plan has been developed by each Council's in-house Communications team and a programme of communications leading to 'go live' will be delivered.

In addition to a process of pre-transition due diligence a transition of this kind is likely to need post-transition support and investment to be successful, as was the case with Phase 1. With any significant change, organisational culture needs to be built and developed, which takes time. 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.

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.

In addition, the Councils and Publica will now need to consider the implications of a likely Local Government Re-organisation on services going forward.

9.0 Recommendation

For the District Councils to proceed with Phase 2 of the Publica Transition programme as set out in this Plan.

APPENDIX – Financial Annexures

ANNEX A. Indicative Cost Impact and Service Level Information

Table 1

Phase 2 Indicative Cost Impact	CDC (£)	FODDC (£)	WODC (£)	Total (£)
Phase 2 Baseline (see Table 2a)	695,933	504,600	766,351	1,966,884
OTB/Council Solution (see Table 2b)	941,053	755,441	1,002,851	2,699,345
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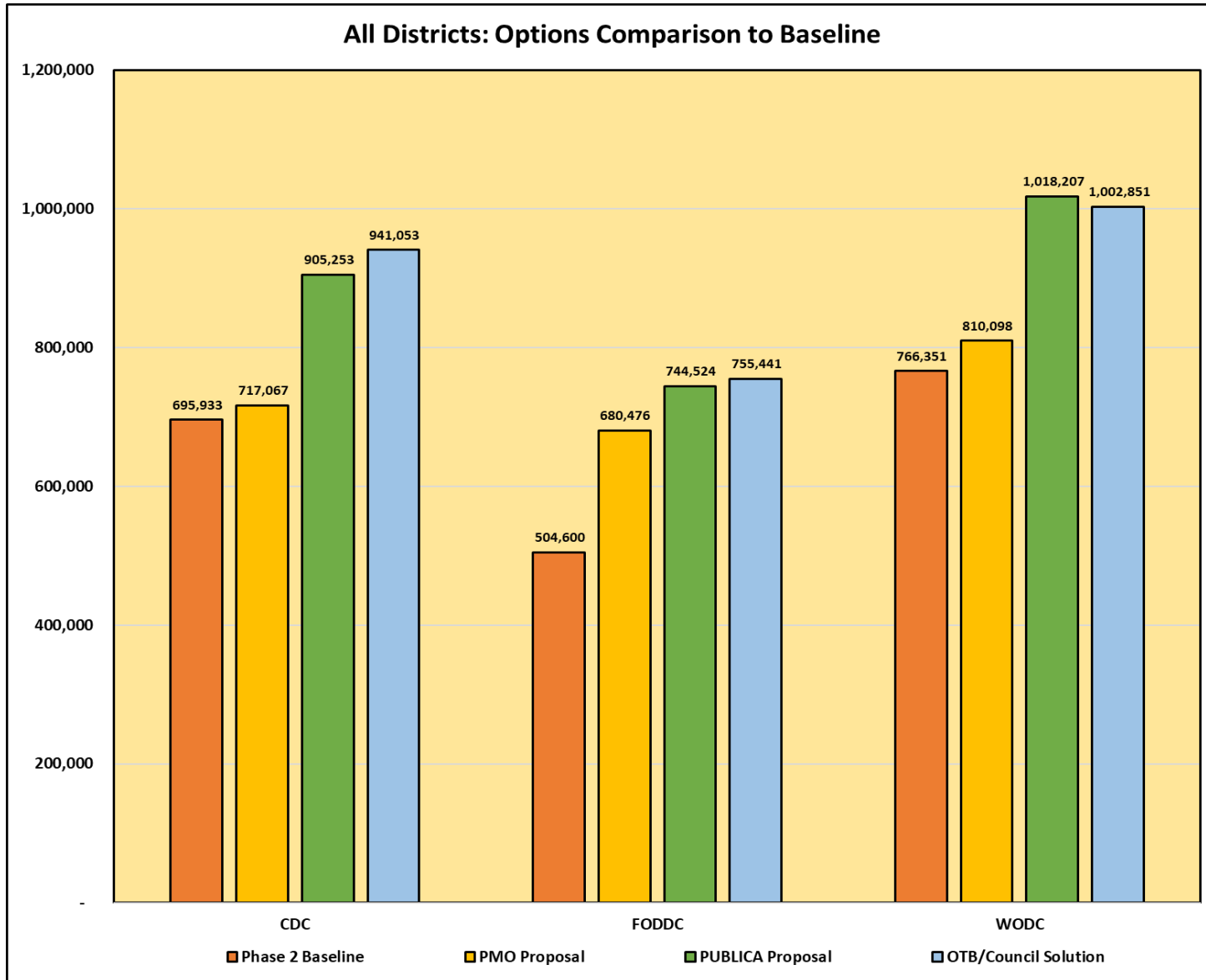
Table 2a – Phase 2 baseline by service

Phase 2 Baseline - Service Detail	CDC (£)	FODDC (£)	WODC (£)	Total (£)
Project Management	159,995	99,597	176,184	435,776
Careline/Linkline	-	71,384	-	71,384
Leisure Management	70,786	44,064	77,948	192,798
Property & Estates	359,309	223,669	395,666	978,644
Waste & Recycling	105,843	65,887	116,553	288,283
Phase 2 Baseline Cost	695,933	504,600	766,351	1,966,884

Table 2b – Phase 2 costing by service

Phase 2 OTB/Council Solution - Service Detail	CDC (£)	FODDC (£)	WODC (£)	Total (£)
Project Management	188,488	59,164	134,092	384,745
Careline/Linkline	-	142,862	-	142,862
Leisure Management	104,735	45,980	113,798	264,513
Property & Estates	479,573	360,447	582,253	1,422,273
Waste & Recycling	168,256	146,988	172,708	487,952
Phase 2 Baseline Cost	941,053	755,441	1,002,851	2,699,345

ANNEX B. Option Consideration. Impact by District



Agenda Item 8



COTSWOLD
District Council

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 19 MARCH 2025
Subject	COMMUNITY GOVERNANCE REVIEW – UPPER RISSINGTON
Wards affected	The Rissingtons
Accountable member	Leader of the Council
Accountable officer	Angela Claridge, Director of Governance & Development (Monitoring Officer) Email: angela.claridge@cotswold.gov.uk
Report author	Sarah Dalby, Electoral Services Manager Email: sarah.dalby@cotswold.gov.uk
Summary/Purpose	To approve the final recommendation of the Community Governance Review for Upper Rissington
Annexes	Annexe A – Boundary map
Recommendation(s)	That Council resolves to: <ol style="list-style-type: none">1. Approve the final recommendations in relation to the Upper Rissington and Great Rissington2. Authorise the Head of Legal Services to make a Reorganisation of Community Governance order to implement the changes agreed by Council
Corporate priorities	<ul style="list-style-type: none">• Delivering our services to the highest standards
Key Decision	No
Exempt	No
Consultees/ Consultation	Consultation has taken place with the parish councils, district and county councillors and MP



1. EXECUTIVE SUMMARY

- 1.1** Upper Rissington Parish Council requested that the District Council consider a change in the parish boundary with Great Rissington to bring the area of a land which includes the skatepark to be transferred to Upper Rissington from Great Rissington.
- 1.2** Council approved the terms of reference at its meeting on 22 January and this report is to recommend that the change be implemented.

2. BACKGROUND

- 2.1** Upper Rissington Parish Council have asked Council to consider transferring land which is currently in Great Rissington Parish and contains a skatepark to Upper Rissington parish.
- 2.2** The skatepark is maintained by Upper Rissington parish council but is currently outside of the parish boundary. The area is part of the development land and subject to a S106 and the Parish Council is seeking the Public Open Space ownership of the land.

3. CONSULTATION

- 3.1** Views on the proposed change were sought from the two parish councils, the district and county councillors and Member of Parliament.
- 3.2** Both parish councils have responded in support of the change.
- 3.3** Ward Councillor, Andrew Maclean commented "I am very happy for the land with the skate park to be moved from Great Rissington parish to Upper Rissington parish. It tidies things up and prevents any long-term issues arising."
- 3.4** County Councillor, Mark Mackenzie-Charrington commented "I've been aware of this proposal to merge the skatepark area at Upper Rissington into the parish from Great Rissington. I'm also aware that the principal has been agreed between the two Parish Councils. I have no observations or objections to make. Clearly the new border will need to be carefully mapped and agreed by each Parish Council before formal registration of the change."



4. ALTERNATIVE OPTIONS

- 4.1** Council may decide not to approve the change, in which case the land will remain within the boundary of Great Rissington parish. The skatepark will continue to be managed and maintained by Upper Rissington Parish.

5. RECOMMENDATION

- 5.1** To amend the boundary between Upper Rissington and Great Rissington to bring the skatepark area into Upper Rissington.
- 5.2** Head of Legal Services to make a Reorganisation of Community Governance Order to implement the changes agreed by Council

6. FINANCIAL IMPLICATIONS

- 6.1** There are no direct financial implications.

7. LEGAL IMPLICATIONS

- 7.1** The CGR must be conducted in accordance with relevant legislation, namely the Local Government and Public Involvement in Health Act 2007 and the Local Government Act 1972.
- 7.2** If approved, a Reorganisation Order will be required to be drafted, made and confirmed.

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Community Governance Review 2025




Upper Rissington - Great Rissington

Page 45

Great Rissington
Parish

Upper Rissington
Parish

KEY

-  Current Parish Boundary
-  New Parish Boundary
-  New part of the Parish of Upper Rissington

Scale: 1:2000 @ A4

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Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 19 MARCH 2025
Subject	PAY POLICY STATEMENT 2025/26
Wards affected	All
Accountable member	Cllr Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Robert Weaver, Chief Executive Email: robert.weaver@cotswold.gov.uk
Report author	John Llewellyn, Business Manager People (Publica) Email: john.llewellyn@publicagroup.uk
Summary/Purpose	To consider the Council's Pay Policy Statement for 2025/6
Annexes	Annex A – Pay Policy Statement
Recommendation(s)	That Council resolves to: 1. Approve the Pay Policy Statement for 2025/6.
Corporate priorities	<ul style="list-style-type: none"> Deliver the highest standard of service
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Chief Executive, Deputy Chief Executive & S151 Officer, Director of Governance & Development and Head of Legal.



1. EXECUTIVE SUMMARY

1.1 The purpose of the Pay Policy Statement is to clarify the Council's strategic stance on pay, to provide direction for members and officers making detailed decisions on pay and to provide the residents of the Cotswold district with a clear statement of the principles underpinning decisions on the use of public funds.

2. BACKGROUND

2.1 Under section 112 of the Local Government Act 1972, the Council has the power to appoint officers on such reasonable terms and conditions, including remuneration, as the authority thinks fit. This Pay Policy Statement sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency regarding the Council's approach to setting the pay of its employees.

2.2 Once approved by the Full Council, the statement will come into immediate effect and will be published by no later than 01 April each year, subject to review on a minimum of an annual basis in accordance with the relevant legislation prevailing at that time.

2.3 The Council has published information on senior pay for a number of years on its website and in its Statement of Accounts. It has also responded openly and in full to Freedom of Information Act requests for such details.

3. PAY POLICY STATEMENT 2025/6

3.1 The Local Government Transparency Code 2015 places additional publication requirements on local authorities to publish data on their websites. This includes the requirement either to publish the data on their website or place a link on their website to such data. Additional requirements of the Code include the requirement for local authorities to publish:

- A list of responsibilities of senior staff
- Details of bonuses and "benefits-in-kind" for all employees whose salary exceeds £50,000.



- The pay multiple, defined as the ratio between the highest paid taxable earnings for the given year and the median earnings figure of the whole of the authority's workforce.
- Under the Localism Act 2011, the Council is obliged to produce and publish an annual Pay Policy Statement

3.2 This information is available on the Council's website.

3.3 During November 2024, a total of sixty-four staff transferred back to Cotswold District Council from Publica under the planned transition (Stage 1) of some services.

3.4 Over the coming 12 months, it is likely that more staff will transfer back from Publica to Cotswold District Council under Stage 2 of the planned transition.

3.5 Therefore, this Pay Policy Statement should be viewed in the context of the Publica Review outcomes and indicative and ongoing Transition Plan.

3.6 The Pay Policy Statement is set out in Annex A to this report.

4. CONCLUSIONS

4.1 Council will keep the Pay Policy Statement under review, informed by the Publica Review Transition Plan. Once adopted, the Pay Policy Statement will be published on the Council's website.

4.2 The Pay Policy Statement allows for transparency and sets out the following elements:

- pay for each of the in-scope officers
- remuneration of lowest paid officer
- the pay relationship between the highest-paid officers and other officers
- performance related pay and bonuses, termination payments, transparency
- other aspects of remuneration.

Below is a list of those officers covered by the policy statement:

- Chief Executive (Head of Paid Service)
- Deputy Chief Executive (s 151 officer)
- Director- Governance and Development (Monitoring Officer)
- Director- Communities and Place
- Other Officers of the Council.



4.3 Section 5 deals with senior officers' pay.

4.4 The pay differential between the highest-paid officer and the median officer is set out in section 10.2 The resultant multiple is 2.88

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications arising from the report. Pay awards are budgeted for on an annual basis as part of the budget planning process.

6. LEGAL IMPLICATIONS

Under the Localism Act, the Council is obliged to produce and publish an annual Pay Policy Statement. There are no legal implications other than those set out elsewhere in this report.

7. EQUALITY IMPLICATIONS

7.1 Equal pay has been a much-publicised issue in the public sector. The Pay Policy Statement sets out the consistent approach to pay issues adopted within the Council that help us to remain compliant with equal pay legislation. Governance of our pay and reward systems and processes is a critical way of ensuring that we do not fall foul of the law

8. BACKGROUND PAPERS

8.1 Publica Senior Management Structure is available at publicagroup.uk/who-we-are/key-information.

Pay Policy Statement - Cotswold District Council 2025/26

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1. **Background**

1.1. This statement is intended to meet the requirements of:

- s 38 (1) of the Localism Act 2011 which requires the Council to approve a Pay Policy Statement annually prior to the commencement of the financial year.
- the Council's obligations under the associated statutory guidance set out in the Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act (February 2012) together with the Local Government Transparency Code 2015.

2. **Scope of this policy statement**

2.1 To avoid confusion and provide transparency this statement will only apply to all officers that are employees of Cotswold District Council.

2.2 Details of senior staff pay at Publica can be found within their statement of accounts.

2.3 The current statement sets out the following elements:

- pay for each of the in-scope officers
- remuneration of lowest paid officer
- the pay relationship between the highest paid officers and other officers
- performance related pay and bonuses, termination payments, transparency
- other aspects of remuneration.

3. **Officers covered by the policy statement**

3.1 Below is a list of those officers covered by the policy statement:

- Chief Executive (Head of Paid Service)
- Deputy Chief Executive (s 151 officer)
- Director- Governance and Development (Monitoring Officer)
- Director- Communities and Place
- Other officers of the Council.

3.2 Officers not covered by this statement include officers who are wholly or primarily employed by Publica and who retain dual employment contracts to deliver statutory elements of their roles such as Parking Appeal decisions.

4. **General Statements**

- 4.1 The Council has a range of Human Resources policies that apply equally to all officers across the Council from the highest paid to the lowest paid. These policies cover a wide range of Human Resources issues including annual leave arrangements and sickness arrangements.
- 4.2 As part of the formation of Publica, the Council determined that directly employed staff should adopt similar policies as Publica employees in the interests of fairness and equity.
- 4.3 Subsequent to Publica merging its multiple pay and grading structures in 2020 and adopting a new comprehensive job evaluation scheme to ensure equal pay compliance, the Council adopted a scheme built on similar principles in line with previous Council resolutions.
- 4.4 This pay and grading structure, known as Evaluate, was designed in consultation with the Trade Unions and seeks to provide flexibility for the Council to adapt to changes in pay pressures and market conditions whilst retaining equal pay protection. The scheme also provides for local pay increases in addition to the national (cost of living) pay award.
- 4.5 This pay and grading structure was implemented in June 2022 (pay back dated to 1st April 2021). This structure does not cover statutory or chief officer roles where the former remain subject to the previous benchmark approach as agreed by Council, and the latter subject to evaluation by South West Councils.

5. **Policy on Remuneration of Senior and other Officers**

- 5.1 The policy for the year 2025/2026 in respect of statutory and chief officers is to maintain the level of pay in the same bands as the current year subject to any cost-of-living award, that may be agreed nationally in relation to year 2025/2026.
- 5.2 The value of the chief executive's pay will be increased by the pay awards notified by the Joint Negotiating Committee for Chief Executives of Local Authorities. The value of Chief Officers' pay will be increased by the pay awards notified by the Joint Negotiating Committee for Chief Officers of Local Authorities. The two statutory officers (Section 151 Officer and Monitoring Officers) are subject to pay award increases as notified by the 'National Agreement on Pay and Conditions of Service of the National Joint Council for Local Government Services' (commonly known as the 'Green Book').

Statutory Officers – individual posts graded via benchmark exercise.

- Chief Executive (Head of Paid Service) £115,105 per annum

- Deputy Chief Executive (s 151 officer) £ 93,913 per annum
- Director – Governance and Development (Monitoring Officer) £93,913 per annum

Chief Officer – individual post evaluated by South West Councils’ job evaluation scheme.

- Director - Communities and Place £99,000 per annum

5.3 In respect of all other officers pay, these salary bands are also subject to the national pay award as notified by the ‘National Agreement on Pay and Conditions of Service of the National Joint Council for Local Government Services’ (commonly known as the ‘Green Book’).

5.4 The pay & grading scheme for all other employees is made up of four levels based upon the nature of the role with each level sub divided into generic job groups and specific comparable pay peer groups. Senior Officers, such as Heads of Service/Business Managers, fall within the translate pay level.

The pay levels are: -

Core	£24,441 - £39,008 per annum
Implement	£29,476 - £53,213 per annum
Guide	£44,032 - £66,048 per annum
Translate	£55,655 - £83,482 per annum

5.5 At the time of publication of this policy statement no annual pay awards have been agreed for 2025/2026. These pay levels will be automatically upgraded by the nationally agreed pay award once negotiations have concluded.

5.6 Other factors relating to pay:

- Officers are generally placed upon the bottom pay point on appointment, but this can be varied by hiring manager in consultation with Human Resources.
- A local pay award can be made annually to allow progression within job groups typically to the mid-point.
- Pay levels above the mid-point need to be supported by special factors such as market forces
- No performance related pay exists for any officer.
- No bonuses are available for any officer.
- Termination benefits payable will be in line with that available to all other officers as set out in the Redundancy and Retirement Policies in line with Employment Rights Act tables.

- Full Council will retain the decision to make any new appointment of an officer where the pay (incorporating all payments and benefits in kind) exceeds £100,000.
- Full Council will retain the decision to approve any severance payments where the compensation payments exceed £100,000

The details of the payments in respect of all officers are set out in the [Transparency page](#) of the Councils website.

No senior officers are entitled to receive overtime payments for time worked beyond the contracted hours and out of ordinary working hours.

The Returning Officer for election purposes also receives a payment for the statutory duties undertaken by virtue of the specific, additional appointment to that role in addition to other responsibilities. For national elections and referenda, the amount is set and is payable by the government. For District and Town/Parish Council elections, the fees are payable by the District Council in accordance with an approved scale.

6. **Tax avoidance**

- 6.1 The Council does not and will not employ senior managers in permanent positions via service companies that could be construed as avoiding tax and national insurance contributions. From time to time the Council may employ individuals via service companies to cover interim or short-term project roles. However, the Council will comply with its responsibilities regarding the application of HMRC regulations on payments made to personal service companies (known as IR35) by applying income tax and national insurance deductions to the payment.

7. **Relationship with other Officers' Pay**

- 7.1 Statutory officers' positions are benchmarked by the HR Business Manager using external data and are subject to an annual increase in line with the annual cost of living awards for staff covered by JNC/NJC Terms and Conditions.
- 7.2 A full list of the job groups and associated pay ranges is set out at the end of this policy.

8. **Market forces supplement**

- 8.1 Evidence from our market and recruitment data shows that for some professions a higher salary may be necessary to attract and retain staff. Our most recent market data indicates that for some professions this could be as high as 15% above the midpoint and this is already built into the grading structures that have been proposed utilising the in-built flexibility above mid-point.

9. **Retention Payment Scheme**

9.1 A retention payment scheme is available to all areas of the Council, and might be used in the following cases:

- Difficulty in recruiting the most suitable candidate for a post.
- Difficulty in retaining key people where their leaving would significantly affect internal and/or external service delivery.

All additional payments will be time limited and reviewed at predetermined intervals to reconsider their appropriateness against the prevailing job market.

The scheme may be applied flexibly and can mean:

- Paying someone at a higher salary level
- Making a one-off payment.

9.4 These can be used in combination with other benefits that the Council offers. A package to suit the circumstances, should be used and no individual should receive benefits that equate to more than 15% above the maximum of their substantive grade.

10. **Lowest Paid Employees**

10.1 Lowest paid employees of the Council are defined as those employees (excluding Apprentices) who are in a full time or part time role, who are above the age of 21, and are paid within the Core category of the Job Evaluation scheme (the lowest band). From 1st April 2024 the lowest Core Grade was £24,441. This amount is subject to a pay award pending in respect of April 2025.

10.2 The pay differential between the highest-paid officer and the median officer is set out below:

Highest	£115,105
Median Employee	£39,905
Multiple	2.88

11. **Pay Protection**

11.1 The Council seeks to ensure that all employees receive equal pay for work of equal value. To be consistent with equal pay principles the Council's protection arrangements will not create the potential for pay inequalities (e.g., open-ended protection).

11.2 There may be times when the grade for an individual's role changes for reasons unrelated to their performance e.g., restructures. In such cases the protection arrangements outlined will apply for 3 years from the date of the change.

12. **Severance Payments**

12.1 The Council has a consistent method of calculating severance payments which it applies to all employees without differentiation. The payment is intended to recompense employees for the loss of their livelihood and provide financial support whilst they seek alternative employment.

12.2 In line with the statutory redundancy payment scheme, the Council calculates redundancy severance payments using the following calculation. The calculation is based on an employee's age and length of continuous local government service (please note that employees must have a minimum of 2 years' continuous service to qualify for a redundancy payment) the multiplier for the number of weeks is then applied to the employee's actual weekly earnings.

12.3 The amount of redundancy pay will be calculated as:

- 0.5 week's pay for each full year of service where age at time of redundancy is less than 22 years of age.
- 1 week's pay for each full year of service where age at time of redundancy is 22 years of age or above, but less than 41 years of age.
- 1.5 weeks' pay for each full year of service where age at time of redundancy is 41+ years of age.

12.4 The maximum number of service years taken into account is 20. The maximum number of weeks' pay is 30 for anyone aged 61 years of age or older with 20 years or more service.

13. **Honorarium Payments**

13.1 Payment of honoraria is a method by which the Council may reward an employee who has temporarily undertaken the duties and responsibilities of a higher graded post, or who has worked excessive hours whilst not being entitled to overtime payments.

14. **The Foundation (Real) Living Wage**

14.1 The Council and Publica are committed to paying the Real Living Wage (RLW). The RLW rate from October 2024 is:

- £12.60 per hour across UK (except London - £13.85) for workers 18 years and older.

14.2 The Foundation (real) Living Wage is a voluntary benchmark set independently by the Living Wage Foundation to ensure that workers earn enough to meet their basic needs and cover the true cost of living. All Council employees are paid in excess of the RLW.

14.3 For Council employees whose substantive post is less than the RLW they will automatically receive the rate set out in 14.1 above.

15. **Other pay and conditions in operation**

- Stand by and call out payments
- Long service award

16. **The Local Government Pension Scheme (LGPS)**

16.1 The LGPS provides for the exercise of discretion that allow for retirement benefits to be enhanced. The Council will consider each case on its merits but has determined that it does not normally enhance pension benefits for any of its employees, nor does it operate any discretions under the Local Government (Discretionary Payments) (injury Allowances) Regulations 2011.

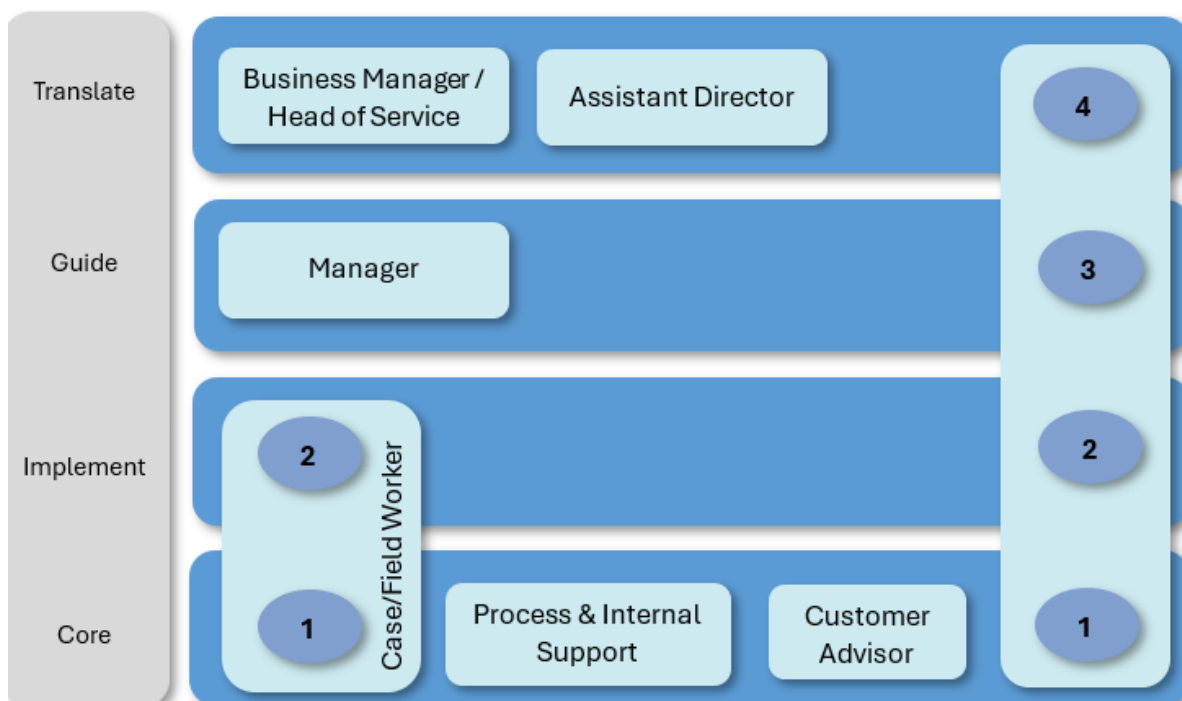
16.2 Further information regarding the [Gloucestershire County Pension Scheme pensions](#) administering body for the Council is available from the Gloucestershire County Council website.

17. **The Performance and Appointments Committee (PAC)**

The PAC are responsible for:

- The salaries and contractual terms and conditions of the three statutory officers (Chief Executive, Section 151 Officer and Monitoring Officer).
- Retirement/redundancy issues relating to the Chief Executive Officer,
- Any grievance and/or disciplinary matters in respect of the statutory officers.

Evaluate Framework Job Groups:



Job Groups	From (£) *	Mid-Point (£) *	Top (£) *
Assistant Director	£75,000	£75,000	£75,000
Business Manager/Head of Service	£55,655	£69,568	£83,482
Level 4 Specialist	£55,655	£69,568	£83,482
Manager	£44,032	£55,040	£66,048
Level 3 Specialist	£44,032	£55,040	£66,048
Level 2 Specialist	£35,476	£44,344	£53,213
Level 2 Case/Field Worker	£29,476	£36,845	£44,214

Level 1 Specialist	£26,005	£32,506	£39,008
Level 1 Case/Field Worker	£24,441	£29,056	£34,868
Customer Advisor	£24,441	£28,588	£34,306
Process/Internal support	£24,441	£28,588	£34,306

Note: Not all job groups will be utilised



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 19 MARCH 2025
Subject	AMENDMENTS TO THE CONSTITUTION – REPORT OF THE CONSTITUTION WORKING GROUP
Wards affected	None
Accountable member	Councillor Mike Evely, Chair of the Constitution Working Group Email: mike.evely@cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance and Development Email: Democratic@Cotswold.gov.uk
Report author	Andrew Brown, Head of Democratic and Electoral Services Email: Democratic@Cotswold.gov.uk
Summary/Purpose	To consider proposals from the Constitution Working Group for amendments to the Constitution.
Annexes	Annex A – Draft Protocol for Webcasting Meetings Annex B – Part D1: Council Procedure Rules (extract of 11.3), with proposed changes shown Annex C – Proposed new Part D10: Contract Rules Annex D – Part E6: Probity in Licensing – Guidance for Councillors and Officers, with proposed changes shown
Recommendation(s)	That Council resolves to: <ol style="list-style-type: none"> 1. Agree to remove the words “The Chief Executive will act as the Cost Centre Manager for that budget” from paragraph 4.18 of Part D6: Overview and Scrutiny Committee Procedure Rules. 2. Approve the Protocol for Webcasting Meetings (Annex A) for inclusion in the Constitution. 3. Delegate authority to the Director of Governance and Development to update the Protocol for Webcasting Meetings in the event that the government changes the law



	<p>to enable remote attendance and/or proxy voting at local authority meetings.</p> <ol style="list-style-type: none">4. Approve the changes to Part D1 11.3 to clarify how questions on notice will be dealt with at Cabinet and Committee meetings (Annex B).5. Approve the updated Probity in Licensing Protocol (Annex C).6. Approve the updated Contract rules (Annex D).
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Constitution Working Group



1. EXECUTIVE SUMMARY

1.1 This report presents recommendations arising from meetings of the Constitution Working Group in March and September 2024 and March 2025 for consideration by Council.

2. BACKGROUND

2.1 The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

2.2 The Constitution must contain:

- the Council's standing orders/procedure rules;
- the members' code of conduct;
- such information as the Secretary of State may direct;
- such other information (if any) as the authority considers appropriate

2.3 Members of the Constitution Working Group have considered a number of proposals and now recommend the following amendments to the Constitution to the Council.

3. OVERVIEW AND SCRUTINY COMMITTEE BUDGET

3.1 Council is recommended to agree a minor amendment to the wording of paragraph 4.18 of the Overview and Scrutiny Committee Procure Rules (Part D6) to remove a historic reference to the Chief Executive being a cost centre manager for a budget which doesn't currently exist. It is proposed to keep the first part of 4.18 in case in future Council wishes to allocate an Overview and Scrutiny budget. The proposed amendment is as follows, with words removed in strikethrough text:

4.18 Overview and Scrutiny budget

The Overview and Scrutiny Committee will be provided with sufficient budget resource in order to carry out its functions and to pay any reasonable fee or expense in respect of the Overview and Scrutiny process. ~~The Chief Executive will act as the Cost Centre Manager for that budget.~~



4. PROTOCOL FOR WEBCASTING MEETINGS

- 4.1** Council is recommended to adopt the Draft Protocol for Webcasting Meetings attached as Annex A. The document aims to establish key principles for the webcasting of meetings and to set expectations for how meetings will operate.
- 4.2** The Protocol was drafted prior to the government consultation on enabling remote attendance and proxy voting at local authority meetings and assumes that members must be physically present in order to participate and vote as a member of a meeting. The consultation closed on 19 December 2024 and the outcome is awaited. This report seeks a delegation to enable the Protocol to be updated if the law is changed with regards to remote attendance and/or proxy voting at local authority meetings.

5. QUESTIONS ON NOTICE AT CABINET AND COMMITTEE MEETINGS

- 5.1** Council is recommended to agree changes to the wording for questions on notice at meetings of Cabinet and Committees.
- 5.2** "Member Questions" is a standing item on Cabinet and Committee agendas. At some meetings of committees the Member Questions facility has been used for asking questions of policy that would be more suited to Cabinet and Full Council meetings.
- 5.3** It is proposed that the rules are clarified to state that questions to a Committee Chair must relate to the responsibilities of the Committee they Chair and that in the case of questions addressed to the Leader or Cabinet Member raised at a committee meeting, the question will be automatically referred to the next ordinary meeting of the Cabinet.

6. CONTRACT RULES

- 6.1** The Council's Contract Rules have been rewritten following the implementation of the Procurement Act 2023. The contract thresholds in Table 1 (Annex D, paragraph 7.3) have been uplifted as they are now inclusive of VAT.
- 6.2** This exercise has provided the opportunity to review the Council's own rules, which were last updated in 2015, to provide for extra flexibility, reduce red tape and to remove barriers to small and medium-sized enterprise (SME) engagement. In the proposed Contract Rules at Annex D the threshold for a full tender is £60,000 (inc.



VAT). For contracts over £30,000 the lead officer would be required to obtain three quotes but would not be required to undertake a full tender. In the existing Contract Rules the threshold for a full tender is £25,000 (ex. VAT).

7. PROBITY IN LICENSING PROTOCOL

7.1 The Council's Probity in Licensing Protocol has been in place since 2014. The Protocol has been reviewed by officers and an updated version is recommended to Council for adoption following consideration by the Constitution Working Group on 5 March 2025. The changes are largely to improve the order of the document, to correctly reflect the responsibilities of the Planning and Licensing Committee and the two licensing sub-committees, and to avoid duplicating the Licensing Sub-Committee Procedure Rules (Part D7 of the Constitution).

8. ALTERNATIVE OPTIONS

8.1 Council could choose not to adopt the recommended changes to the Constitution but this option is not recommended. Not approving the new Contract Rules may increase the risks associated with procurement.

9. FINANCIAL IMPLICATIONS

9.1 There are no financial implications arising directly from this report.

10. LEGAL IMPLICATIONS

10.1 Full Council, through its responsibilities as set out in the Constitution, recognises the requirement to observe specific requirements of legislation and the general responsibilities placed on the Council by public law, but also accepting responsibility to use its legal powers to the full benefit of the citizens and communities in its area. Section 9P Local Government Act 2000 requires the Council to keep its Constitution up to date.

11. RISK ASSESSMENT

11.1 Adopting the new Contract Rules will decrease the risk of procurement decisions being challenged.

12. EQUALITIES IMPACT



12.1 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

12.2 No differential impacts on the above groups have been identified.

13. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

13.1 There are no climate and ecological emergencies implications.

14. BACKGROUND PAPERS

14.1 None.

(END)

Draft Protocol for Webcasting Meetings

Introduction

Cotswold District Council as part of its Constitution wishes to ensure the fullest participation and engagement of its residents in its business. To ensure that those residents can still get involved, the Council live streams meetings of Council, Cabinet and Committees (except for any exempt or confidential business). Recordings of meetings can be viewed online as the meeting happens and for up to 12 months from the date of the meeting. Meetings may also be streamed to external platforms e.g. Facebook Live and YouTube. The written minutes are the permanent record of the meeting and the decisions taken.

Role of Chair

To ensure that attendees are aware the meeting is being webcast.

To welcome viewers of the live stream to the meeting.

To remind attendees at the start of the meeting and when required to use their microphones when speaking and to turn their microphone off when not speaking.

To ensure that remote attendees can follow and understand the proceedings, for example by announcing the outcome of any votes taken by a show of hands, and by ensuring that all participants use a microphone when speaking.

Role of all attendees (Officers and Members)

All attendees are to adhere to the following etiquette:

- To use microphones when speaking and to turn microphones off when not speaking.
- To be aware that whatever is said in the meeting is being broadcast.
- To refrain from having side-conversations, which may be picked up on the webcast (whether audio or video).
- To ensure that any devices are only used for council purposes during the meeting as images on laptops etc. may be seen on the live stream.
- To ensure that microphones are not moved from their positions within the room.

Remote attendance

Elected members must be physically present in the meeting room in order to participate as members of the meeting and vote. Officers and other attendees may, in exceptional circumstances (i.e. inability to travel), request to join meetings remotely by giving at least one weeks' prior notice to Democratic Services. Remote

attendance can be supported at meetings where electronic voting is not used and will be subject to officer capacity to support the hybrid meeting on the day and the agreement of the Chair. If agreed, Democratic Services will provide a link for joining remotely. The limiting factor with a hybrid connection is the strength of the remote attendee's internet connection.

Any remote attendees are to adhere to the following additional etiquette:

- To ensure as far as possible that there is a stable internet connection.
- To ensure as far as possible that there will not be interruptions.
- To ensure that the background is blurred or nondescript.
- To ensure that the camera is on and that their microphone is unmuted when speaking.
- To ensure that the microphone is muted when not speaking.

11.3 Questions on Notice at Cabinet/Committee Meetings

Subject to Rule 11.4, a Member may, at Ordinary Meetings of the Cabinet and Committees, ask the Leader/Cabinet Member/Chair a question on any matter in relation to which the Council has powers or duties or which affects the Cotswold District and which falls within the terms of reference of the Cabinet/that Committee.

A maximum period of fifteen minutes shall be allowed at any such meeting for Member questions.

Questions must be:

- a) Addressed to a Member who is either the Leader, a Cabinet Member, or the Chair of the Committee; and
- b) Relevant to that Member's responsibilities or in the case of a Committee Chair, the responsibilities of the Committee they Chair

In the case of questions addressed to the Leader or Cabinet Member raised at a committee meeting, the question will be automatically referred to the next ordinary meeting of the Cabinet.

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PART 4
Rules of Procedure
Part 4I – Contract Rules

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SECTION 1 – GENERAL COMPLIANCE AND SCOPE

COMPLIANCE

- 1.1 Each contract entered by the Authority shall be entered into pursuant to or in connection with the Authority’s functions and shall comply with:
 - 1.1.1 All relevant legislation, statutory guidance and codes (“the Legislation”);
 - 1.1.2 The relevant UK procurement rules and the National Procurement Policy Statement;
 - 1.1.3 The Authority’s Constitution including these Contract Procedure Rules (‘Contract Rules’), the Authority’s Financial Procedure Rules and Scheme of Delegation;
 - 1.1.4 The Authority’s strategic objectives, Council Plan, Procurement Strategy and relevant policies
- 1.2 The policy of the Authority, and the objective of these Contract Rules, is to ensure that all works, supplies and services:
 - 1.2.1 Are obtained with probity, and propriety to the ensure the proper expenditure of public funds;
 - 1.2.2 Are appropriate for the purpose for which they are obtained;
 - 1.2.3 Deliver Value for Money;
 - 1.2.4 Maximise public benefit while acting with integrity, fairness and equal treatment;
 - 1.2.5 Sharing information for the purposes of allowing Suppliers and others to understand the Authority’s procurement policies and decisions;
 - 1.2.6 Remove or reduce barriers for SMEs where possible

2 SCOPE

- 2.1 These Contract Rules apply to any arrangement made by, or on behalf of the Authority for the carrying out of works, the provision of services or the supply of supplies.
- 2.2 These Contract Rules do not apply to:
- 2.2.1 contracts of employment which make an individual a direct employee of the Authority;
 - 2.2.2 the acquisition, disposal or transfer of land (which must be carried out by an Officer with delegated authority) except where services or works are required by the Authority as part of the land transaction e.g. development agreements;
 - 2.2.3 contracts relating to the placement of deposits or raising of loans under the treasury management strategy;
 - 2.2.4 purchases made at public auction;
 - 2.2.5 the giving of grants.
- 2.3 Any procurements commenced, and all contracts entered into before 24 February 2025 are subject to the Public Contract Regulations 2015 ('the 2015 Regulations'). Any contracts or call-offs awarded following those procurements, even if commenced on or after 24 February 2025 will be subject to the 2015 Regulations throughout their term. New procurements will be governed by the requirements of the Procurement Act 2023 ("the 2023 Act").

SECTION 2: COMMON REQUIREMENTS

CALCULATION OF CONTRACT VALUES

- 3.1 Unless otherwise stated, the calculation of the estimated value of a procurement shall be based on the total amount payable in pounds sterling **inclusive of VAT**, as estimated by the Authority over the entire contract period, including any proposed extension to the initial contract period.
- 3.2 The Estimated Total Contract Value of a framework agreement or dynamic market shall be the total value of all of the call-off contracts that may be awarded under that framework Agreement or Dynamic Market.

- 3.3 The estimated value is to be calculated as at the date the contract is first advertised or Suppliers are contacted, whichever occurs first.
- 3.4 If the Authority is unable to estimate the value of a contract in accordance (for example because the duration of the contract is unknown), the Authority must treat the estimated value of the contract as an amount of more than the threshold amount for the type of contract being procured.
- 3.5 Contracts must not be artificially under or overestimated or divided into two separate contracts where the result is to avoid the application of these Contract Rules or the Legislation.
- 3.6 The estimated value of a concession contract is the maximum amount the Supplier could expect to receive under or in connection with the contract including, where applicable, amounts already received.

The amount a Supplier could expect to receive includes the following:

- 3.6.1 amounts representing revenue (whether monetary or non-monetary) receivable pursuant to the exploitation of the works or services to which the contract relates (whether from the Authority or otherwise);
- 3.6.2 the value of any goods, services or works provided by the Authority under the contract other than for payment;
- 3.6.3 amounts that would be receivable if an option in the contract to supply additional services or works were exercised;
- 3.6.4 amounts that would be receivable if an option in the contract to extend or renew the term of the contract were exercised;
- 3.6.5 amounts representing premiums, fees, commissions or interest that could be receivable under the contract;
- 3.6.6 amounts received on the sale of assets held by the supplier under the contract.

THRESHOLD VALUES

- 4.1 The UK Government biennially sets Threshold Values for the purposes of applying the Legislation. There are different Threshold Values for services and supplies, light touch services, works and concessions (services and works) contracts.

- 4.2 The Authority will take the Threshold into account when determining how to conduct a procurement.

SPEND CATEGORY DEFINITIONS

- 5.1 Services – the provision of any type of service other than those which fall within the definition of a works contract or other specific services contract.
- 5.2 Supplies – the purchase, lease, rental or hire purchase (with or without an option to buy) of goods or products, which may also include, incidental to the supply, the siting or installation of the product.
- 5.3 Works – the execution or design and execution of construction, civil engineering, demolition, building installation and building completion works.
- 5.4 Light Touch Services – the provision of certain health, education, social, religious, hospitality, legal, security, community and prison related services.
- 5.5 Concession Contracts– the supply, for financial interest, of works or services where at least part of the consideration for that supply is a right for the Supplier to exploit the works or services and where the Supplier is exposed to real operating risk.
- 5.6 Relevant Health Care Services - any service that has a direct effect on the health of the service user accessing it. Covered by the Healthcare Services Provider Selection Regime Regulations 2023 (PSR)

AUTHORISED OFFICERS AND THEIR RESPONSIBILITIES

- 6.1 In support of these Contract Rules, the Authority may issue internal guidance, procedures and standard documents. Procurement and contract management processes must be conducted in accordance with the relevant Legislation and any internal guidance.

Authorised Officers are persons responsible for carrying out a procurement and who have received corporate training on these Contract Rules and the Legislation.

Authorised Officer key responsibilities include (but are not limited to):

- To act in accordance with these Contract Rules and not exceed the limits of their authority.
- To maintain ongoing knowledge and awareness of the Contract Rules and guidance to ensure compliance.
- To take all appropriate measures to effectively identify, remedy and prevent any conflicts of interest which may arise to avoid any distortion of competition and ensure equal treatment of Suppliers.

- To comply with the Authority's Code of Conduct for Employees
- All Officers, agents of the Authority or other stakeholders having access to information or documentation about the procurement will be bound by the confidentiality requirements set out. The Authority will consider any requirements for the disclosure of information under the Regulations, Freedom of Information Act and any other requirement or permission that is applicable under the law.
- To appraise the need for the expenditure and its priority
- To consider which procurement procedure is most likely to achieve the commissioning and procurement objectives;
- To assess and manage any risks associated with the procurement process and contract management.
- To publish Transparency Notices where required by the Legislation
- To develop high quality specifications and Key Performance Indicators (KPIs), including having regard to relevant Authority policies
- To identify and consider whether any barriers to the participation of SMEs can be removed or reduced (e.g. Lotting)
- To consider Social Value (Social Value Act 2012) within the procurement process to improve the economic, social and environmental well-being of the geographical area
- Where the procurement involves a potential change to services must ensure compliance with the Authority's duty to consult under Section 3 of the Local Government Act 1999 and,
- the Authority's duties under the Equality Act 2010
- To consult users as appropriate about the proposed procurement procedure, contract standards and performance and user satisfaction monitoring;
- To produce and maintain adequate records and a clear audit trail
- To manage supplier debarment, disputes, late tenders and missing materials
- To develop appropriate and proportionate award criteria
- To ensure the evaluation and moderation process is carried out in a fair, transparent and consistent manner.
- To manage award notifications and standstill periods.
- To ensure effective management of contracts
- To ensuring sufficient budget to sustain the contract for the life of the contract;
- To use appropriate terms and conditions for the contract and liaising with the Head of Legal Services where required.
- To raise a purchase order for the contract

6.2 Any procurement that is:

- Over budget or

- Involves the transfer of staff either to or from the Authority

shall be referred to the Executive for decision, unless otherwise stated elsewhere in the Authority's Constitution.

CONTRACT VALUES

Below Threshold Procurements

7.1 The appropriate route to market as identified in Table 1, considering the value, risk and complexity of the contract and market capacity.

Above Threshold Procurements

7.2 The Authority will use only those procedures permitted under the Legislation. The procurement team will establish the appropriate route to market considering the value, risk and complexity of the contract and size of the market. This includes the use of Frameworks and Dynamic Markets which the Authority is eligible to access and where the procurement can be undertaken in accordance with the specific call-off process.

The 2023 Act/ the 2015 Regulations (where this still applies to legacy contracts) compliant procedures – include, but are not limited to:

- Open Procedure
- Competitive Flexible Procedure
- Frameworks and Open Frameworks
- Dynamic Markets (and any legacy Dynamic Purchasing Systems)
- Direct call offs and mini competitions run in line with the terms of the 2023 Act/ the 2015 Regulations complaint framework agreements procured by the Authority or other contracting authorities.
- Compliant Direct Awards
- Horizontal and Vertical contracting arrangements (Schedule 2 of the 2023 Act).

7.3 Before carrying out a procurement process, Authorised Officers shall establish whether there is a suitable framework agreement, dynamic market or existing contract to which the Authority is a party that provides a mechanism for ordering goods, services and works and, if so, consider whether it's use is appropriate, legal and adheres to the principles of Best Value. Where there is no suitable framework agreement, dynamic market or existing contract the Authorised Officer must follow the relevant process identified below.

Table 1: Contract Values

Estimated Total Contract Value	Procurement Procedure
Less than £30,000 (figures inclusive of VAT)	<p>The Budget Holder can purchase from the source that offers the Best Value for Money to the Authority.</p> <p>This could be demonstrated by obtaining two written Quotes where possible and via the e- procurement system where appropriate.</p> <p>Wherever possible the quotations should be from a local supplier, with a particular preference to SMEs.</p> <p>Contracts shall be by purchase order with the relevant standard terms and conditions attached or otherwise drawn to the attention of the Supplier.</p> <p>If over £5,000 Budget Holder must register the completed contract with the Procurement Team in order to meet the Authority’s transparency obligations.</p> <p>A waiver will be required if best value cannot be demonstrated.</p>
=>£30,000 but less than £60,000 (figures inclusive of VAT)	<p>Minimum of three quotes through the Authority’s e-procurement system using the Request for Quote Template</p> <p>Wherever possible the quotation(s) should be from a local supplier, with a particular preference for SMEs.</p> <p>Contracts drafted or approved by the Head of Legal Services must be used</p> <p>Budget Holder must register the completed contract with the Procurement Team in order to meet the Authority’s transparency obligations.</p>
=> £60,000 but less than relevant Threshold (figures inclusive of VAT)	<p>Advertised competitive Invitation to Tender process through the Authority’s e-procurement system.</p>

	A formal written contract prepared or approved by the Head of Legal Services must be used.
Above relevant Threshold (figures inclusive of VAT)	<p>Advertised competitive Invitation to Tender process through the Authority's e-procurement system</p> <p>The Authority will use only those procedures permitted under the Legislation. The Procurement Team will establish the appropriate route to market considering the value, risk and complexity of the contract and size of the market.</p> <p>A formal written contract prepared or approved by the Head of Legal Services must be used. Any framework terms and conditions must be agreed and approved.</p>
Disposal of assets (other than land)	Where the Authority is selling or disposing of assets without the provision of services then the Authority's obligation is to achieve the best value for the items. This could be achieved by obtaining quotes or conducting a full tender, where suitable. Any disposal must be in accordance with the Authority's Financial Procedure Rules
Disposal of Land	These Contract Rules apply where the Authority is disposing of or acquiring land and there is an element of services or works required by the Authority as part of the transfer (e.g. development agreements)

WAIVERS

8.1 Subject to the written approvals referred to in Contract Rule 8.3 below, waivers of any of these Contract Rules shall only be given in the following exceptional circumstances: -

8.1.1 Where the supplies, works or services are of a unique or specialised nature or are identical or similar to or compatible with existing provision so as to render only one or two sources of supply appropriate, including:

- an upgrade
- where the contract concerns, wholly or mainly, repairs to or the supply of parts for existing proprietary machinery, plant or

equipment and the repairs to or the supply of parts cannot be carried out practicably by alternative Suppliers;

or

- 8.1.2 The supplies to be purchased are proprietary articles or are sold only at fixed prices; or
- 8.1.3 The price of services or supplies to be purchased is controlled by trade organisations, or if for other reasons there would be no genuine competition; or
- 8.1.4 Where the Authorised Officer in consultation with the Section 151 Officer and the Head of Legal Services considers that the services to be provided or the work to be executed or the supplies or materials to be purchased are urgent, subject to the action being reported to the next Executive Meeting; or
- 8.1.5 Specialist consultants, solicitor, barrister, agent, artist or professional advisers are required and
 - there is no satisfactory alternative; or
 - Evidence indicates that there is likely to be no genuine competition; or
 - It is, in the opinion of the Authorised Officer, in the Authority's best interest to engage a particular consultant, solicitor, barrister, agent, artist or adviser;

Or

- 8.1.6 Where the Authority is purchasing property, or is taking a service back in house, which has associated contracts and in the opinion of the Authorised Officer it is in the Authority's best interests to acquire those contracts; or
 - 8.1.7 The works to be executed or the supplies or materials to be purchased can only be carried out or supplied by a statutory body.
- 8.2 Exemptions to the application of these Contract Rules for above Threshold Contracts will only be considered where a Direct Award (as defined by the 2023 Act) is permitted under the Legislation and the specific circumstances under which the Direct Award can be undertaken are met.
- 8.3 Where it is possible to waive these Contract Rules, any such waiver must be agreed by:

- 8.3.1 Executive for contracts above £100,000 or the Head of Paid Service in consultation with the Leader of the Authority, the Section 151 Officer and the Head of Legal Services if the matter requires an urgent decision and a meeting of the Executive cannot be called: or
- 8.3.2 The Budget Holder (if authority to do so has been delegated to them in accordance with the protocol for sub delegation contained in Appendix D of the Constitution) or a Director, Chief Executive, in consultation with the Section 151 Officer and the Head of Legal Services if the contract does not exceed £100,000.
- 8.4 The decision to waive Contract Rules and the reasons for it shall be recorded on the waiver form and were made under Rule 8.3.2 or the urgency procedure under Rule 8.3.1, the waiver shall be kept by the Head of Legal Services.
- 8.5 For above Threshold contracts, the decision to Direct Award and the reasons for it shall be recorded on the Direct Award Justification Report and were made under Rule 8.3.1 and permitted by the Legislation. The Report shall be kept by the Head of Legal Services.
- 8.6 Contract terms approved or drafted by the Head of Legal Services must be used for contracts let using waivers and Direct Awards.

SECTION 3: PROCUREMENT PROCESS: PRE-PROCUREMENT ADVERTISING, EVALUATION AND AWARDING

PROCUREMENT PROCESS

- 9.1 The Authority's Tender templates will be used for all above Threshold procurements to ensure compliance with Legislation and consistency for Suppliers, other than where use of a Framework Agreement or Dynamic Market requires use of specific Tender documents.
- 9.2 The Authority's below Threshold templates will be used for below threshold procurements where it is appropriate to do so, subject to the nature and complexity of the Contract, to provide consistency for Suppliers.
- 9.3 The Tender/ Quotation documents must specify the requirement, award criteria, evaluation process, the clarification process and timescales for submission.

PRE-PROCUREMENT CONSIDERATIONS

- 10.1 Pre procurement considerations should follow internal guidance and templates.
- 10.2 For covered procurements:

10.2.1 Pre-market engagement must be considered to help develop the requirements and process, with details published in the relevant transparency notices.

10.2.2 The Authority has a duty to consider Lots and whether the goods, services or works to be supplied could reasonably be provided under more than one contract.

10.2.3 If the Authority determines that Lots are not appropriate then you must provide reasons for not doing so in the tender notice.

10.2.4 Conflict of interest assessments must be undertaken for each procurement and regularly reviewed throughout the procurement and contract management process with details published in the relevant transparency notices.

SELECTION CRITERIA

Covered Procurement– Conditions of participation and Grounds for Exclusion

11.1 Conditions of participation are not mandatory for Covered procurements (covered procurements meaning the award, entry into and management of a public contract); however, where used, the Authority can confirm certain aspects of the supplier's suitability or ability to deliver the contract. Conditions of participation can include a suppliers legal and financial capacity, and technical ability to perform a contract.

11.2 The assessment 'gateway' for mandatory and discretionary exclusions (indicating excluded and excludable suppliers) must be adhered to including the use of the debarment list.

11.3 Regulated below threshold procurement cannot restrict the submission of tenders by reference to suppliers' selection criteria but the Authority may ask for this information and assess at award stage if it wishes.

AWARD CRITERIA

12.1 The evaluation criteria will be proportionate and applicable to the nature, value, level of risk and complexity of the Contract and cover both selection criteria (where applicable) and award criteria.

12.2 Award Criteria must be directly linked to the subject matter of the Contract and consider an assessment of quality, price and social value.

12.3 The Authority can take a broad view of what can be included in the evaluation methodology of tenders or quotes in assessing value for money. Internal

policies such as carbon reduction, social value and supply chain security should be considered when agreeing award criteria, where relevant to the opportunity being tendered.

This means contracts do not have to be awarded on the basis of the lowest price or that price must always be weighted higher than quality. Contracts, as appropriate, and in accordance with Legislation and internal guidance may be made on the basis of

- price;
- quality, or
- best price-quality ratio

The most advantageous tender could be the lowest price if for example off the shelf goods are being procured.

ADVERTISING AND TRANSPARENCY NOTICES

13.1 Procurement must be carried out electronically through the e- procurement system where the Contract is above Threshold, including where competition is restricted (e.g. Framework further competitions and Dynamic Market call-offs).

13.2 Procurement must be carried out electronically through the e- procurement system where the Contract is below Threshold where the contract value is £30,000 or above unless otherwise permitted by these Contract Rules or by the Procurement Team and the Section 151 Officer.

13.3 All relevant 2023 Act transparency notices must be published as required during the process on Find a Tender service.

SUBMISSION AND OPENING OF TENDERS AND QUOTES

14.1 The manner and deadline for submissions will be set out in the Invitation to Tender or Request for Quote documents.

14.2 The Authority will only accept Tenders submitted in accordance with the Tender/ Quote requirements.

14.3 No Tenders or Quotes received after the specified date and time for receipt shall be accepted or considered by the Authority unless the Authorised Officer, after consulting with the Procurement Team the Section 151 Officer and the Head of Legal Services, is satisfied that there is sufficient evidence that technical difficulties with the e- procurement system prevented the Tender or Quote from being submitted before the closing time.

14.4 Where there are errors or discrepancies within a Supplier's Tender response the Authority will give the Supplier the opportunity to rectify the errors or discrepancies only if it is determined the Supplier will not gain an unfair advantage.

14.5 The Authority must follow key requirements when assessing public contracts following a competitive tendering procedure:

- If a supplier does not satisfy the conditions of participation, the Authority **must** disregard the tender
- If a supplier is not a United Kingdom supplier or a treaty state ("as defined by the 2023 Act") supplier, or intends to subcontract the performance of all or part of the contract to a supplier that is not a United Kingdom supplier or treaty state supplier, the Authority **may** disregard their tender
- If a supplier submits a tender which breaches a procedural requirement set out in the tender notice or associated tender documents, then the Authority **may** disregard their tender
- If a supplier submits what the Authority considers to be an abnormally low-priced tender the Authority **may** disregard their tender. Before disregarding, the Authority must notify the supplier and give it opportunity to demonstrate that it will be able to perform the contract for the price offered.
- must disregard any tender from a supplier that is an excluded supplier
- must consider whether a supplier is an excludable supplier and **may** disregard any tender from an excludable supplier.

EVALUATION

15.1 Tenders and Quotes shall be evaluated against the criteria set out in the Invitation to Tender or Request for Quote and in accordance with The Legislation (where applicable)

15.2 The criteria shall be strictly observed at all times throughout the contract award procedure by any Officer involved in the tender evaluation

15.3 Evaluations will be conducted by an appropriately skilled and experienced panel.

AWARDING CONTRACTS

16.1 All contracts shall be awarded based on the offer that represents the most advantageous tender ('the MAT'). The MAT or Quote is the one that the Authority considers

- Satisfies its requirements; and
- Best satisfies the award criteria when assessed by reference to the evaluation methodology

- 16.2 When awarding any contract for goods, services or works whose aggregate value exceeds the relevant threshold prescribed under the Legislation, an Authorised Officer shall adhere to a minimum eight (8) day Standstill Period before entering such contract and follow the transparency notices required.
- 16.3 A contract may only be awarded by an Authorised Officer with the requisite delegated authority to award contracts. Prior to award, the Authorised Officer should ensure the Budget Holder responsible for the contract has sufficient funds in place to sustain the life of the contract i.e. full life cycle costing.

ASSESSMENT SUMMARIES

- 17.1 The Authorised Officer shall provide an Assessment Summary to each supplier that submitted an assessed tender as required by the Legislation for all covered procurements.
- 17.2 Assessment Summaries are not mandatory for below threshold procurements or call-off from frameworks (unless the framework terms set out a specific requirement to do so). Although to ensure compliancy with the duty to have regard to the procurement objective of sharing information, it is deemed best practice to provide an assessment summary for all procurements.

SECTION 4: CONTRACT FORMALITIES

EXECUTION OF CONTRACTS

- 18.1 All contracts must be formally concluded in writing before the supply, service or work begins.
- 18.2 All contracts not exceeding £50,000 that require execution shall be signed by the Head of Legal Services or any other Officer with delegated authority to do so, unless the Head of Legal Services requires the contract to be sealed
- 18.3 All contracts exceeding £50,000 shall be signed by the Head of Legal Services unless the Head of Legal Services requires that the contract be sealed.
- 18.4 Electronic signatures may only be permitted as a method of executing contracts with the prior consent of the Section 151 Officer having first obtained advice from the Head of Legal Services.

RECORDS OF QUOTES, TENDERS, CONTRACTS AND SPEND

- 19.1 The Procurement Team shall maintain a list of all Tenders and Quotes received over £30,000 (incl. of VAT, typically £25,000 ex VAT). For

procurements not exceeding £30,000 (incl of VAT) the Authorised Officer is responsible for keeping records of Tenders and Quotes received in such form as required by the Procurement Team.

- 19.2 Authorised Officers must ensure that details of contracts awarded over £5,000 (incl VAT) are entered on the Contracts Register kept by the Authority and maintained by the Procurement Team.
- 19.3 All contracts with a value of £30,000 (incl VAT) and above shall be kept by the Head of Legal Services and a copy shall be sent to the Procurement Team.
- 19.4 All contracts below £30,000 (incl VAT) shall be kept securely by the Budget Holder in accordance with Authority's retention policy and a copy to the Procurement Team.
- 19.5 Each quarter the Authorised Officer will publish details of payments over £30,000 made under a public contract i.e. contract payment notice as required by Legislation.
- 19.6 Twice annually the Authorised Officer will publish details of performance against 30-day payment terms as required by Legislation.

BONDS AND PARENT COMPANY GUARANTEES

- 20.1 A Bond or Parent Company Guarantee will be required on all works contracts above £1,000,000 unless considered inappropriate by the Section 151 Officer following consultation with the Head of Legal Services.
- 20.2 Bonds or Parent Company Guarantee may be required for any contract if considered appropriate by the Section 151 Officer following consultation with the Head of Legal Services.
- 20.3 Bonds shall be a minimum of 10% of the contract value

EMBEDDED LEASES AND EMBEDDED DERIVATIVES

- 21.1 Prior to the award of a contract the Authorised Officer must notify the Section 151 Officer where under the contract
 - 21.1.1 the Authority will have use or control of or will be paying for the use of a specific asset or group of assets; or
 - 21.1.2 contains a clause that caps the price the Authority must pay for supplies or services or there is a floor price on the price the Authority has to pay for supplies or services; or
 - 21.1.3 the prices the Authority must pay under the contract, increase the by more than two times the retail price index; or

- 21.1.4 the prices the Authority must pay, increase by some other form of indices or commodity price.

SECTION 5: SPECIFIC TYPES OF TENDERING

FRAMEWORK AGREEMENTS, OPEN FRAMEWORK AGREEMENTS AND DYNAMIC MARKETS

- 22.1 External Framework Agreements, and Dynamic Markets, where the Authority is named as a permitted Contracting Authority, can be used where the Authority wishes to contract for the sourcing of supplies, services or works without conducting a full procurement exercise.
- 22.2 The Framework or Dynamic Market may include within its terms a requirement for abbreviated competitive exercise (“mini competition”) between some or all of Suppliers who are parties to the Framework Agreement and can provide the supplies/services/works being tendered. Other Framework Agreements may allow for a direct award or the choice of either direct award or mini competition. Any purchase from a Framework Agreement or Dynamic Market shall be made in accordance with procedure set out in the Framework Agreement or Dynamic Market.
- 22.3 The approval of the Procurement Team and Head of Legal Services shall be sought before signing up to new a Framework or Dynamic Market.
- 22.4 A Call-Off contract as set out in the Framework Agreement or Dynamic Market will need to be entered. If no pre agreed contract is provided for in the Framework Agreement or Dynamic Market, a contract drafted or approved by the Head of Legal Services, shall be entered.

FRAMEWORK AGREEMENTS, OPEN FRAMEWORK AGREEMENTS AND DYNAMIC MARKETS SET UP BY THE AUTHORITY

- 23.1 The Authority may carry out a procurement exercise to set up a Framework, Open Framework or a Dynamic Market to allow it to choose Suppliers who meet its pre-qualification requirements. The Authority can then call off Suppliers from the Framework Agreements or the Dynamic Market.

COLLABORATIONS AND JOINT PROCUREMENT

- 24.1 The Authority may participate in any collaborative or joint procurement with other Local Authorities or public bodies including membership or use of a Purchasing Consortia subject to the prior approval of the relevant Director, Section 151 Officer and Procurement Team.

PROCUREMENT BY CONSULTANTS

- 25.1 Any Consultants contracted by the Authority shall be appointed in accordance with these Contract Rules and the Legislation. The Authorised Officer shall ensure that the consultants' performance is monitored and IR35 legislation is adhered to.
- 25.2 Where the Authority uses consultants to act on its behalf in relation to any procurement opportunity, then the Authorised Officer shall ensure that the consultant carries out any procurement in accordance with these Contract Rules and the Legislation.
- 25.3 Consultants may advise the Authorised Officer as to the most suitable candidate. The Authorised Officer can use the advice given by the Consultant to make their recommendation to the Awarding Officer.
- 25.4 No Consultant shall make the decision on whether to award a contract or to whom a contract should be awarded. The decision rests with the Awarding Officer who shall sign the Tender Acceptance Form or waiver.

CONTRACT MANAGEMENT

- 26.1 The contract manager will conduct regular reviews of the Supplier's performance against the requirements and key performance indicators specified in the Contract and monitor compliance against contractual obligations for the life of the Contract.
- 26.2 Contract management processes must be conducted in accordance with the relevant Legislation and any internal guidance.
- 26.3 Legislative key requirements for managing public contracts must be followed and include provision and transparency notices for payment, performance, KPI's (publication and reporting for contracts with a value of more than £5million), modification and termination of contract.

GROUNDINGS FOR EXTENDING AND MODIFICATION OF A CONTRACT

- 27.1 Contract extensions and modifications may only be considered if the relevant contract contains an extension/ modification option or if there are legitimate grounds as provided by the Legislation. Any such extension/ modification must

follow internal procurement guidance and be authorised in accordance with the guidance and the Authority's Scheme of Delegation.

Definitions

Term	Meaning
Above Threshold	Means a procurement with a value equal to or more than the prescribed Threshold
Advertised	Means advertised on the Central Digital Platform
Assessment Summary	Information about the Authority's assessment of the tender provided to each supplier that submitted an 'assessed tender'
Awarding Officer	The Officer with the delegated authority to award the contract
'The' Authority	Cotswold District Council
Authorised Officer	Authorised Officers are persons responsible for carrying out the procurement.
Best Value for Money	best solution for the Authority taking into account price, quality and deliverability.
Below Threshold	Means a procurement with a value below the prescribed Threshold
Bond	An insurance policy: if the Supplier does not do what it has promised under a contract with the Authority, the Authority can claim from the insurer the sum, of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Authority against a level of cost arising from the Supplier's failure.
Candidate	Any person who may or does submit a Quote or Tender.
Call-Off Contract	Means a contract awarded to a Supplier under a Framework Agreement
Central Digital Platform	The online system referenced in the Procurement Act 2023 and defined in the Procurement Regulations 2024 as the central digital platform. It is available at www.gov.uk/find-tender . The central digital platform will enable: <ul style="list-style-type: none"> • contracting authorities to publish notices and other information as required under the Act for above and below threshold procurements • suppliers to submit and store certain core organisational information as required by the regulations to participate in above threshold procurements. • anyone to view the notices and access related public procurement data
Concession Contracts	An agreement where Suppliers are given the right to exploit works or services provided for their own gain.
Conditions of Participation	A set of conditions which a supplier must satisfy in order to be awarded a public contract following a competitive tendering procedure

Consultant	Someone appointed (but not under a contract of employment) for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role.
Contracting Authorities	Bodies that are subject to the Regulations.
Director	Means the chief officers or a Director for the Authority
Contract Management	The process and approach taken to implement, monitor and review what is being provided under the contract to ensure what has been agreed is being provided to the required standards and all parties to the contract are meeting their obligations
Debarment	The debarment regime enables Ministers to put suppliers on a published debarment list. Inclusion on the list means that the supplier's past behaviour or circumstances mean that it is not, or may not be, allowed to participate in covered procurements or be awarded public contracts.
Dynamic Market	is a list of qualified suppliers (i.e. suppliers who have met the 'conditions for membership' of the dynamic market) who are eligible to participate in future procurements
e- procurement system	Means the portal used by the Authority to conduct procurements electronically.
Exclusion	a broad term to describe a number of different circumstances where suppliers are not permitted to participate in a covered procurement, to have their tender considered or to be awarded a public contract.
Framework	A contract between a Contracting Authority and one or more suppliers that provides for the future award of contracts by a Contracting Authority to the supplier or suppliers
Open Framework	a scheme of frameworks that provides for the award of successive frameworks on substantially the same terms
Head of Paid Service	Means the officer designated as head of paid service for the Authority under section 4 of the Local Government and Housing Act 1989
Horizontal and Vertical contracting arrangements	Contracts between public bodies to co-operate to achieve a common objective with the exercise of public functions in the public interest (horizontal) and contracts between one or more contracting authorities contract with a 'controlled persons' (e.g. a wholly owned company) that carries out more than 80% of its activities for those public bodies (vertical)
Invitation to Tender (ITT)	Invitation to tender documents in the form required by these Contract Rules.
'The' Legislation	The Procurement Act 2023 ('the 2023 Act') The Regulations means the Procurement Regulations 2024 ('the 2024 Regulations') and all regulations made under the 2023 Act.

Lots	a way to split a larger single procurement into smaller 'chunks' which are then procured under separate contracts with different suppliers (some suppliers may be successful in more than one lot and may be awarded more than one contract).
Most Advantageous Tender (MAT)	the tender that both satisfies the contracting authority's requirements and is the best tender when assessed against the award criteria and the assessment methodology
Parent Company Guarantee	A contract that binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Authority, the Authority can require the company to do so instead.
Preliminary market engagement	takes place before the publication of a tender or transparency notice and helps contracting authorities and the market prepare for the procurement.
Procurement Team	Officers engaged by or on behalf of the Authority to provide procurement services.
Quote	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Regulated Below Threshold	is a below-threshold contract that is not an exempted contract, a concession contract, or a utilities contract
Section 151 Officer .	The Officer of the Authority who has been designated as such pursuant to Section 151 of the Local Government Act 1972.
SME	Small and Medium sized Enterprise.
Standstill period	The Standstill period is the period between the contracting authority announcing its intention to enter into a contract (by publishing the contract award notice) and actually entering into that contract; the contracting authority cannot enter into the contract during the standstill period which is to be no less than 8 working days
Supplier	A person or body of persons providing, or seeking to provide, supplies, services or works to the Authority.
Tender	A suppliers proposal submitted in response to an Invitation to Tender.
Transparency Notices	Notices that are published throughout the procurement lifecycle, providing up to date information on procurement and contracts giving transparency and visibility of data.
Treaty State Supplier	a supplier that is entitled to the benefits of an international agreement specified in Schedule 9 of the Act.
Threshold / Threshold Value	The contract value thresholds (inclusive of VAT) set by the UK government above which the Regulations apply, as amended every two years

Cotswold District Council

Probity in Licensing Licensing Protocol

**A guide to procedures and a
protocol for Councillors and Officers
involved in making decisions
on licensing applications and
other licensing matters**

(Approved by Council on....)

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CODE OF PRACTICE: PROBITY IN LICENSING

Introduction

This Policy deals primarily with the responsibilities of the Planning and Licensing Committee and Sub-Committee which deal with Licensing applications. In terms of these Committees, Cotswold District Council operates in an “administrative” way. In essence this requires it to act fairly when determining contentious licensing applications, policy issues and related matters. Most applications are free of objection and are determined under powers delegated to Officers. This Code is written having regard to the Council’s commitment to the principles of good enforcement, particularly openness and consistency.

All references to the Licensing Committee should be interpreted as the licensing part of the Planning and Licensing Committee. This includes any Sub-Committee of the Licensing Committee, as appropriate. All references to the Applicant refer to the Applicant, which includes a person calling for a review of a licence, the Licensee or the Applicant’s or Licensee’s representative, as appropriate.

The Protocol is to be read alongside the Councillors’ and Officers’ Codes of Conduct.

What does the Licensing Committee do?

For the purposes of this Policy, the Licensing Committee deals with major and contentious applications and most policy and policy guideline issues involving licensing. Applications are also referred for Members’ consideration where they are contentious and/or objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an Applicant. Hackney Carriage and Private Hire disciplinary matters are also dealt with by the Licensing Committee in accordance with the provisions of the Council’s Hackney Carriage and Private Hire Policy.

The decisions that the Licensing Committee makes are significant and weighty. The Licensing Committee operates under its extensive delegated powers and it, rather than any other part of the Council, actually makes the decisions. The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of Applicants. Furthermore, if the Licensing Committee makes a wrong or irrational decision, this may mean that the Council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.

Some licensing legislation specifies procedures to be followed but, in all cases, human rights and natural justice considerations dictate that the Licensing Committee acts fairly and adheres to the following principles in that decisions **must**:

- Be made on the individual merits of a case.

- Have regard to all relevant national and local guidance.
- Be made impartially and in good faith.
- Be made by the body that receives all the relevant information and evidence.
- Relate to the issue or question placed before the committee.
- Be based only on consideration of relevant and material matters.
- Be proportionate, rational, and reasoned.
- Be made in a way that does not give rise to public suspicion or mistrust.

The purpose of this Code of Practice is to set out in detail how Members should act and the procedures which should be followed to ensure that Members not only act in a fair and proper manner but are also seen to do so.

This Code has been prepared with a particular emphasis on Members who serve on the Council's Licensing Committee, but its content is also relevant to all other Councillors and also to Officers in all other services.

The District Council, along with all other local authorities, has adopted a Code of Conduct which specifies the obligations imposed on Members and defines Disclosable Pecuniary Interests and Other Interests and how these will affect the way a Member behaves. That Code of Conduct, which every Member has signed up to, is the statutory base to which this Code of Practice is added. In some areas this Code of Practice will extend, or go further than, the Code of Conduct. In the case of a conflict between the two, the Code of Conduct will take precedence.

It is possible that breaches of this Code of Practice could be considered to be a breach of the Code of Conduct. This Code of Practice is part of the Council's Constitution and can be viewed on-line at www.cotswold.gov.uk.

Part One: Conduct of Councillors and Officers

A. Voting and Impartiality

- 1. Licensing Committee Members must vote in the best interests of the District as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of wider policies and guidance.*

The overriding duty of a Committee Member is to the whole community, rather than just the people living in their Ward. This is a fundamental principle of the local democratic system.

- 2. Members of the Licensing Committee must not declare which way they intend to vote in advance of the consideration of an application by the Licensing Committee.*

This can be a difficult issue for Members as they may be exposed to pressure from residents or the media to express a particular viewpoint. However, it is essential that Members are measured and circumspect in the comments they make. If a Member declares which way they intend to vote it would in effect be pre-determining the application without having considered all of the relevant information. This could expose the Council to the possibility of legal challenge or a charge of maladministration. Members must not make their minds up until they have read the relevant Committee reports and heard the evidence and arguments on both sides.

- 3. If a Member of the Licensing Committee declares **OUTRIGHT** support for or opposition to a proposal before the matter has been put before the Licensing Committee, the Member must make an open declaration of their views to the Licensing Committee and take no part in the voting on that particular item.*

It does not mean that Members cannot make a comment or reflect local concerns about a proposal before the Licensing Committee considers it. However, the view or comment must not pre-determine or be seen to pre-determine the way that Member will vote.

Predetermination is a legal concept that the courts have always applied to local authority decision making. It predates the Code of Conduct and is not altered by it. Pre-determination occurs where a Member's mind is closed to the consideration and weighing of relevant factors in the decision making itself.

It is important that Licensing Committee members be open to any new argument at all times up to the moment of decision. A Licensing Committee Member with a pre-determined view on a licensing application is disqualified from participating in the Committee's decision-making on the application.

4. *Licensing Committee Members who are also members of the County Council or a Town or Parish Council must exercise particular care in reconciling their two roles.*

This rule would apply in the case of a Member(s) holding office in the District Council and also in the County Council and/or a Town or Parish Council. Such Member(s) may find that they are expected to express a view at a County Council or a Town or Parish Council meeting or vote on whether or not the County or the Town or Parish should object or comment on a proposal from a County of a Town or Parish point of view. In such circumstances Members are advised to abstain from both the debate and voting at the County Council or the Town or Parish Council. This is not inconsistency, but the consequence of having to fulfil two totally separate roles. If a Member does declare his or her outright support for or opposition to a licensing proposal at a County or a Town or Parish Meeting or elsewhere they must make an open declaration to the District Council's Licensing Committee to that effect and take no part in the voting and debate on that item, and leave the meeting. In all other cases Councillors on the Licensing Committee who are also members of the County Council and/or a Town or Parish Council may speak and vote at District and County and/or Town or Parish levels if they are genuinely willing to listen to the later debate and weigh the considerations material to the later decision.

5. *Licensing Committee Members should not organise support for or against a Licensing application and should not lobby other Councillors.*

Committee Members should not place themselves in a position where they may give the impression that they had made up their mind before hearing the evidence. Each Member should make up his or her own mind on the evidence and facts presented to the Licensing Committee (See Section G on lobbying). With regard to other Members, it could give the impression that they were seeking to influence Committee Members (see section G on lobbying).

6. *Licensing Committee Members must not favour or show bias for or against any particular person, company or group, or any particular site or locality in respect of licensing matters.*

Any correspondence received directly from the above parties should be forwarded to the Licensing Officer. Members should also not put themselves in a position where it might be perceived by an outside observer that they are biased. Members should refrain from accepting invitations to attend the application site, outside the proceedings, from the Applicant, persons in favour or against the application or members of the Parish Council.

7. *Confidentiality*

It will be unusual for licensing applications or other matters to be treated as confidential items with the exclusion of the press and public, but it may occur.

The grounds why this may occur are set down in the Local Government Act 1972 and the Council's Constitution and are most likely to be in relation to the conduct of legal proceedings, or disclosure of personal details.

Information which is of a confidential nature may also be provided to Members. Members are expected to treat the information as confidential and are referred to the Code of Conduct which indicates that a breach of this confidentiality may be a breach of the Code

of Conduct and result in a complaint to the Monitoring Officer. It could also be treated as a breach of the Data Protection legislation.

B. Gifts and hospitality

- 1. Councillors and Officers must abide by the Council's policy in respect of Gifts and Hospitality as set out in the Code of Conduct for Members and the Officers' Code of Conduct which are part of the Council's Constitution.***

The policy on gifts and hospitality is contained in the Council's Constitution and Members and Officers must be extremely careful in this respect to ensure no question of bias can be raised. The general rule is that no gifts should be accepted, and only modest hospitality connected with the work concerned should be accepted.

C. Independence and impartiality of Licensing Officers

- 1. Members or other Officers within the Council must not instruct Licensing Officers to make or not to make a particular recommendation on a licensing application.***

Licensing Officers are trained to deal with licensing issues and will be aware of Government advice, case law etc, and will put forward a balanced report. Other Officers will provide advice as appropriate.

- 2. Officers must always act impartially and advise the Council of their professional opinion.***

The Council's Licensing Officers must always act impartially and give advice based upon a professional assessment of the individual merits of each case taking in to account all relevant policies, guidance, and other relevant material considerations. If they do not, or even if it appears that they are not, the integrity of the licensing process is severely compromised. Where an appeal has been made against a decision made by the Licensing Committee, Officers will always present the Council's case to the best of their ability.

Any Officer who has an interest in an application, similar to an interest Members would need to declare, must declare it and, if necessary, leave the room whilst Members debate and reach a decision on that matter.

D. Declarations of Interest

- 1. Members must always declare their interests in accordance with the Council's Code of Conduct***

The Code of Conduct is contained in the Council's Constitution and must be read in conjunction with this Code of Practice.

All interests must be disclosed at the start of the meeting or when such interests become apparent, and an agenda item on this is included for every meeting.

Depending on the nature of the interest (Disclosable Pecuniary Interest, or Other Interest), the Member may not be allowed to participate in the discussion or vote on the

matter unless a dispensation has been granted. They must also not seek to improperly influence any decision on that matter.

NB: Failure to disclose a Disclosable Pecuniary Interest is a criminal offence.

The test Members should apply is not whether they themselves think they have an interest but whether others, knowing the relevant facts, would think they have.

If a Member has any doubt, advice should be sought from the Monitoring Officer ahead of any meeting. If doubt still remains it is best that an interest be declared. The responsibility for declaring an interest rests solely with the Member and these will be noted in the Committee minutes.

There will, however, be times when it only becomes apparent during the meeting that there is a declarable interest. Then the interest must be declared as soon as the Member becomes aware of it, even if it is during discussions on that particular item.

The Monitoring Officer should be informed of any declarable interests which should also be registered in the Register of Members Interests.

E. Involvement of Councillors with Applicants

1. Members of the Licensing Committee should not act as agents or submit licensing applications for other parties or voluntary bodies.

Any close involvement, or even perception of close involvement, can compromise the integrity of the licensing process. A Member acting as a licensing agent could give rise to suspicion that the Member was not impartial or may influence other Members in the decision-making process.

2. Any Member who is a Licensing advisor or similar agent should not be appointed to the Licensing Committee.

Where Members need to submit licensing applications on their own behalf, or on behalf of their employer as part of their job, they must declare an interest and take no part in the processing of the application or in the decision-making process. Decisions on any proposals submitted by or relating to premises/land/vehicle(s) etc owned or controlled by serving Members should only be determined by the Licensing Committee. The Licensing Committee alone should determine an application submitted by a Member's employer, irrespective of whether the Member is involved in the application, its preparation or submission.

F. Council Licensing Applications

1. Proposals to licence the Council's own land or premises must be dealt with in exactly the same way as all other applications, i.e. on their own merits.

The Council's own proposals, or those of others on Council-owned premises/land, must be dealt with on exactly the same basis as applications submitted by any other Applicant.

Members must not have any regard to any other benefit, financial or otherwise, which may accrue to the Council as a result of any particular decision on a licensing proposal.

G. Lobbying of Councillors and Formal Submission of Information

1. Any lobbying of Members must be dealt with carefully to minimise the perception of influence

This is a complex area and one that requires special care. Lobbying is an attempt to influence a Member's view in writing or verbally in order to achieve a particular decision by Applicants, agents, objectors, or other Councillors. It is a normal part of the political process, but where Members are making statutory decisions, such as licensing decisions, it can result in decisions being made improperly.

Members should treat lobbying with care and should ensure that "unofficial" views, promises or documents do not unduly influence them. Members should advise lobbyists to present their views in writing to the licensing case officer in order that they can be formally considered in a balanced way at the Licensing Committee meeting. Alternatively, Members may choose to pass on the views and or submissions of lobbyists to the officer but should make clear that they are not giving their own views, as this is a matter for formal consideration by the Licensing Committee.

Licensing decisions must be rational and be made strictly on the basis of the relevant facts, guidance and policies relating to each case. Members must not only act in a way that is fair to all parties but must be seen to do so. In particular, Members must not prejudge proposals before they have read the officer's reports and considered all the evidence.

Lobbying can be particularly problematical if Members are given information or assurances by Applicants that do not form part of their formal application and are, therefore, unenforceable. Problems can also arise if Members are given information by objectors which may be misleading, untrue, or irrelevant. Officers face particular difficulties if they are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Licensing Committee about them. This would cause particular problems if the Licensing Committee based a refusal on those matters which officers had not had an opportunity to consider and comment upon. Circulation of unofficial papers at a Licensing Committee meeting also constitutes a form of lobbying.

2. Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.

Only submissions from Applicants, agents, or objectors, which are formally received by Licensing Officers, can properly be taken into account in making a decision. The Licensing Committee could be materially misled if Members or other parties circulate 'unofficial' documents or introduce new information on behalf of an applicant or objector or express what they believe to be an Applicant's intention if this did not form part of the application documents and correspondence. In all circumstances, copies of any letters, documents or correspondence should be given to the licensing officer to consider and comment on. Where fresh information comes to light after a committee report has been finalised and

circulated, it may only be tabled in accordance with any relevant regulations or, if there are none, with the Chair's consent.

H. Political Decisions on Licensing Applications

1. Decisions on licensing applications on the establishment of "party lines" cannot be made in political group meetings prior to a committee meeting.

The view of the Ombudsman is that '*the use of political whips at group meetings is amounts to maladministration*'. It could also give rise to a legal challenge of any decision by Judicial Review. The Council's Constitution also states that political whips will not apply to the Licensing Committee.

1. Application by Councillors, Officers or their relatives or friends

These applications must be dealt with, and be seen to be dealt with, openly, fairly and without any bias. Accordingly, despite the scheme of delegation to officers to decide certain application, all such applications will be reported to Committee.

Part Two: The Decision-Making Process

A. Pre-Application Discussions and Negotiations on Submitted Applications

1. Councillors should not, themselves, seek to advise Applicants or agents about the likely acceptability of licensing proposals.

Pre-application discussions should always be undertaken by the Council's Officers to ensure that advice is given professionally, comprehensively and in a way that is clearly removed from the political forum. Licensing Committee Members should advise prospective Applicants to contact the appropriate Officer for advice on both merits and procedures. If Members, whether or not they sit on the Licensing Committee, do give an indication of their initial reaction to a proposal they must make clear that any proposals will need to be formally considered by officers and/or the Licensing Committee. They should also make clear that Officers and/or the Licensing Committee could only make a final decision after a full and formal consideration of the proposal.

Similarly, Members should not normally be involved in negotiations and discussions about submitted applications. There may be exceptional circumstances in respect of major or contentious applications where there may be merit in Member involvement to explain a particular local viewpoint or issue. However, such discussions should take place only where at least one officer is present. The officer(s) will make a written record of any such meetings held and will place a copy on the application/premises file. Such a record will constitute a Background Paper for the purposes of the Access to Information Act and may be inspected by any interested person.

The fact that Committee Member(s) have discussed any such proposal with an Applicant or Objectors must be made clear when the application is before the Licensing Committee for determination. Under no circumstances should Members put pressure on Officers to make, or change, any recommendations on an application.

2. Officers' role in processing licensing applications

The Council employs professional officers whose job is to deal with the applications received, ensure the necessary publicity requirements are dealt with, negotiate with the Applicant and/or their agents, and then report to the Licensing Committee.

The Officers do have pre-application discussions which will try to assist Applicants to submit applications in accordance with Council policies and to assist with the smooth processing of the application.

The Officers will always put forward their professional view to the Licensing Committee and be available to answer Members' questions.

B. Reports to Committee

1. Officers will provide written reports for all matters to be considered by the Licensing Committee (with the exception of matters of urgency) or when the Licensing Committee has requested verbal updates on on-going matters.

There will be occasions when matters arise after the Committee Papers have been prepared and sent out, but a decision of the Licensing Committee will be required. If possible, a written report will be tabled, or if this is not possible the appropriate Officer will provide a detailed verbal report on the issue, explaining why it is urgent. A summary of the verbal report will appear in the Minutes.

Members are also permitted to raise matters of urgency under the Local Government Act 1972. However, if they do intend to do this the Licensing Officers should be informed prior to the meeting of the nature and content of the matter. Officers will attempt to answer any questions, but depending on the length of notice of the matter of urgency this may not be possible at that meeting.

Any matters of urgency can only be raised with the agreement of the Chair of the Licensing Committee who must give reasons as to why it is considered to be an urgent item.

2. Officer reports to the Licensing Committee will be accurate and will, subject to statutory requirements, comprehensively cover all relevant: (i) policies, guidance, considerations, and issues; (ii) information about the application/case; and (iii) the views of consultees and objectors.

3. In all cases, Applicants/ Licensees will be given the opportunity of providing written material for inclusion in the report. Where they rely upon case law, they will be required to give five working days advance notice of the case(s) in question.

4. Each Committee report will be a balanced report. In exceptional circumstances where, at the time of circulation of the report, negotiations are still on-going or an essential consultation or other response/information is awaited, Officers will give a clear oral update, and this will be minuted.

The report will be in the name of the Lead Manager or the appropriate Officer.

5. Members must read and carefully consider the content of the circulated report before the meeting, and they must have regard to its contents in reaching their decisions.

Written reports have always been a cornerstone of probity in the Council's system for committee determination of licensing matters. In the context of planning malpractice, relevant Government bodies have made it clear that written reports are essential, and the same principles should apply to the Council's licensing functions.

C. Sub Committee Hearing

The Council's Constitution will apply to the conduct of business.

Applicants/Licensees will be invited to attend the Sub Committee and be represented if they so choose, they will be sent a full copy of the report about their application/case.

If they do not attend, the Sub-Committee can decide whether or not to deal with their item in their absence on the basis of the written report and the procedure as set out below.

Members who intend to vote must be present in the meeting room throughout the Licensing Committee's consideration of an item so that they hear all of the evidence and hear/participate in the debate.

Sub Committee – Good Practice

The Procedure for determining applications at the Sub Committee is set out in the Constitution.

The following good practice rules assist the smooth operation of the Sub-Committee and promote probity:

- i. The meeting will be conducted without any undue formality.
- ii. Members should not report new information that they may have been given Applicants or third parties which has not been submitted to officers for formal consideration and comment).
- iii. Members should seek any necessary clarification from Officers on key issues before the meeting as this enables full replies to be given.
- iv. Members should not introduce any non-licensing matters to the hearing.
- v. Members should not speak at length on items already detailed in the Report.
- vi. Members will be required to provide their reasons for their decision. When retiring they will be joined by the Legal Adviser. The Legal Adviser will provide advice on points of law / procedure and advice on the reasons for making their decision. The Legal Adviser's role is as an adviser and not a decision maker.

D. The Sub-Committee's Decisions

Decisions must be proportionate, reasoned, rational and in accordance with the facts of the case and have regard to the provisions of all relevant policies and guidance.

However, decision making requires assessment and judgement of the weight to be attached to policies and guidance issues which, no matter how current, will never provide an answer for all, or even most, applications. Any decision made by the Sub-Committee which is contrary to the provisions of existing policy or guidance must be clearly justified and recorded.

E. Deferrals and Committee Site Visits

1. Deferrals

Where Members propose to defer consideration of an application, they must set out clear reasons for doing so and these will be minuted.

A proposal to defer any application must be valid and defensible. Justification for deferring a decision might be to ensure that all the proper consultation procedures have been followed, or to secure amendments without which the application would have to be refused. Political expediency, such as deferring a contentious application until after Elections, is never an acceptable course of action.

2. Site Visits

Site visits are generally unnecessary and can risk putting the Members and the Licensing Authority at risk of accusation of bias.

In special circumstances where a site visit is required, or proposed, reasons justifying the need for it must be given.

All site inspections whether involving Members individually, or collectively, will be conducted in a strictly fact-finding way and there shall be no on-site debate about the merits of the proposal, or any negotiations, or discussions with the applicant, agents, or other concerned parties.

F. Public Attendance at Committee Meetings

1. Most Licensing applications on the Licensing Committee agenda will be considered in public session.

Open public debate is a fundamental prerequisite of probity in the Licensing system. However, where exempt information under the Local Government Act 1972 (as amended) is included in a report it will be circulated as a confidential item and, subject to the Applicant's/licensee's right to a public hearing such items will be considered with press and public excluded.

Any member of the public who disrupts the meeting in any way will not be allowed to remain in the room.

2. Great care should be taken by Members mingling or speaking to Applicants or objectors.

Members of the Licensing Committee should be extremely careful in meeting with, and talking to, Applicants or objectors either before or after the meeting. This could give the impression that Members had either prejudged a particular application, or had supported a particular view without looking at, and taking into account all the facts presented by the Officers.

G. The Role of Ward Members

Members who sit on the Licensing Sub Committee are not permitted to vote on applications within their own ward but may nevertheless address the Sub Committee. A Ward Member's local knowledge may in fact give an additional insight to an application and its implications on the licensing objectives. Ward Members may use their local knowledge to ask relevant questions and clarify facts.

The right of Ward Members to speak at Sub Committee meetings may be constrained by statute. For example, under the Licensing Act 2003 Ward Members may only speak if they have lodged a written relevant representation within the prescribed period of time and/or to represent their constituents. In the absence of any specific rules, Ward Members may be invited to address the Sub Committee at the Chair's discretion.

Ward Members should not become too closely identified with special interest groups and be careful to avoid pressure by Applicants, objectors, or supporters. There may be occasions where Ward Members are invited to attend meetings (for example, a formal meeting called by an Applicant or objector) where it would be prudent for a Member to also invite an Officer to be present.

Part Three: Administrative Matters

A. Member Training

Members who are exercising powers to grant or refuse applications are exercising an administrative function, in an area where there is a large amount of Government advice and law. Members must ensure they are adequately trained before carrying out this task. If a Member does not, or cannot, undertake the appropriate training, they must step down until they have received that training.

Members are also encouraged to research pertinent issues by reference to the Licensing Officer who can arrange access to publications, legislation, policy documents and guidance.

Members will be given regular updates to keep them informed of important changes in legislation, procedures, or practices either orally, at training sessions, or as briefing notes.

B. Record Keeping

Officers will ensure that Licensing application records contain sufficient information so that the reason for the ultimate decision can be understood by anyone who reads a file/record without a detailed knowledge of the application.

C. Complaints

Any complaints received in writing about the way in which a Licensing application or other licensing matter has been dealt with in terms of procedures or fairness will be investigated under the Council's Complaints Procedure. The fact that someone may disagree with the decision reached is not a complaint which will necessitate investigation as such, although officers will endeavour to explain the reasons for the Council's decision in any particular case.

Where a complaint about a Council decision is received, a copy will be forwarded to the Chair of the Committee.

Complaints can also be made to the Local Government Ombudsman regarding administrative maladministration (once the Council's internal complaints procedure has been exhausted); or to the Monitoring Officer regarding alleged breaches of the Code of Conduct.

D. Further Advice

This Code deals with the main issues of probity and conduct but cannot be expected to cover all eventualities that may arise. If Members are in any doubt about any probity-related issue, they are advised to contact the Monitoring Officer.

(END)



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 19 MARCH 2025
Subject	INITIAL PROPOSALS FOR LOCAL GOVERNMENT REORGANISATION IN GLOUCESTERSHIRE
Wards affected	All
Accountable member	Councillor Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Robert Weaver, Chief Executive Email: Democratic@Cotswold.gov.uk
Report author	Robert Weaver, Chief Executive Email: Democratic@Cotswold.gov.uk
Summary/Purpose	To note the work underway across Gloucestershire in response to the formal invitation received from Government to develop proposals for local government reorganisation (LGR).
Annexes	Annex A Minister’s Letter to two-tier authority areas (dated 5 th February 2025) Annex B Draft Gloucestershire letter to Government on Interim proposals
Recommendation(s)	The Council resolves to: <ul style="list-style-type: none"> • Note the work taking place across Gloucestershire in response to the formal invitation from Government to develop proposals for Local Government Reorganisation • Note the Gloucestershire letter to Government on interim proposals.
Corporate priorities	<ul style="list-style-type: none"> • Delivering Good Services
Key Decision	No
Exempt	No
Consultees/ Consultation	Senior Management Team, Leader of the Council, Deputy Leader of the Council.



BACKGROUND

- 1.1** On 16 December 2024, the new Labour Government published an English Devolution White Paper. This set out the Government's intention to transfer powers away from central government to local government, in particular through the universal creation of mayoral strategic authorities across combinations of local authorities. It also set out the Government's intention to simplify and streamline the structures of local government, in particular in what are known as the two-tier areas of England where County Councils and District Councils deliver services (alongside parish and town councils).
- 1.2** On the same day, the Local Government Minister wrote to Council Leaders in two-tier areas. This set out the Minister's intention to invite in the new year Councils in two-tier areas and neighbouring small unitary councils to work together to produce proposals for local government reorganisation into unitary councils (that is, councils which combine the powers of county councils and district councils into a single organisation). The Minister's expectation was that to withstand financial shocks, these new unitary councils should have a minimum population size of 500,000 although he accepted that there may be areas across the country where this did not make sense locally and proposals for smaller councils would be considered.
- 1.3** The Minister's letter indicated that for some areas that wanted to proceed more rapidly with devolution to strategic mayoral authorities and local government reorganisation, he would be prepared to consider laying legislation to postpone those County Council elections planned for May 2025. Gloucestershire County Council's Cabinet met in early January and their Leader wrote to the Minister requesting a postponement of its May 2025 elections. At the same time, Gloucester City Council's Leader co-signed with four other Gloucestershire District Council Leaders a letter to the Minister opposing the proposal to postpone County Council elections in Gloucestershire. The Minister subsequently decided that Gloucestershire County Council's elections should proceed as planned in May 2025.
- 1.4** The Minister wrote a further letter to the Council Leaders of all seven Gloucestershire Councils on 5 February 2025, (Annex B) formally inviting proposals for local government reorganisation in this area. The letter set out the criteria the Government would be looking at when considering any proposals received. The deadline for the submission of any proposals is 28 November 2025. The letter also requested areas submit an informal interim response to Government by 21 March 2025, highlighting what proposals were under consideration and how the councils are working together to bring proposals forward.
- 1.5** Both before and since receipt of this letter, the Gloucestershire local authorities, along with other key stakeholders, had begun an intensive programme of work to develop proposals for consideration. Six officer-level workstreams have been meeting regularly, coordinated by the council Chief Executives and overseen by a political leadership board comprising the seven council Leaders.



- 1.6** A draft interim response letter to the Minister is included at Annex B. However it remains quite possible that the draft may be subject to slight amends up to the 21st March deadline. The hope is that each council leader will be prepared to co-sign.
- 1.7** There appear to be three main LGR proposals currently under active consideration by Gloucestershire partners. These are:
- A single unitary council covering the whole county of Gloucestershire (population size c.650,000)
 - Two unitary councils for the county, broadly aligning with district council boundaries - in the east of the county (Cheltenham, Cotswold and Tewkesbury, population c.300,000) and the west of the county (Gloucester, Forest of Dean and Stroud, population c.350,000)
 - Two or three unitary councils for the area, one of which would be based around the historic cathedral city of Gloucester, but likely with expanded boundaries to reflect its 'natural' identity with surrounding areas that would also more likely identify with Gloucester as their urban centre.
- 1.8** Officers will continue to work up proposals for consideration by political leaders between now and the November deadline. This work will also involve extensive community engagement and engagement with key stakeholder partners, as well as internally within our respective organisations.
- 1.9** In parallel, officers and Leaders continue to explore options for joining a combined authority and/or strategic mayoral authority with neighbouring areas beyond Gloucestershire. At the time of writing this report, a number of potential options are still under investigation and these are referenced in the letter at Annex B.

2. ALTERNATIVE OPTIONS

- 2.1** Do nothing. This is not currently recommended as the Government has indicated that more resources and devolved powers will be transferred to those areas that take forward devolution opportunities.

3. CONCLUSIONS

- 3.1** Whilst the Minister's letter has indicated a preference for a single proposal to be submitted for each two-tier area, he has accepted that it is possible that multiple proposals may be submitted. If this is the case, the Government is expected to consult in early 2026 on the various proposals received, and then to reach a decision on a preferred option in mid-2026.
- 3.2** Subsequent timetables for any move to new local government structures and joining a strategic mayoral authority are dependent on which option is accepted by the Government, and the timeline for Government decision-making and legislation



4. FINANCIAL IMPLICATIONS

- 4.1** These are being developed as part of the review of options currently being undertaken across the county.

5. LEGAL IMPLICATIONS

- 5.1** The Secretary of State for Housing, Communities and Local Government has powers under Part 1 of the Local Government and Public Involvement in Health Act 2007 to invite areas to submit proposals for local government reorganisation. The Secretary of State has exercised those powers in his letter to various authorities dated 5 February 2025.
- 5.2** Some of the LGR options under consideration may involve Principal Area Boundary Reviews, which if accepted would be conducted under various pieces of legislation.

6. RISK ASSESSMENT

- 6.1** This is being developed as part of the review of options currently being undertaken across the county.

7. EQUALITIES IMPACT

- 7.1** This is being developed as part of the review of options currently being undertaken across the county.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 8.1** None identified at this stage.

9. BACKGROUND PAPERS

- 9.1** The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- English Devolution White Paper:
https://assets.publishing.service.gov.uk/media/67ade9866e6c8d18118acd58/English_Devolution_White_Paper_Web_Accessible.pdf
- Letter from Local Government Minister to Council Leaders in Two-Tier areas 16 December 2024:



https://assets.publishing.service.gov.uk/media/67864788f041702a11ca0f44/Local_government_reorganisation_-_letter_to_two-tier_areas.pdf

- Letter from Local Government Minister to Gloucestershire Council Leaders 5th February 2025: <https://www.gov.uk/government/publications/local-government-reorganisation-invitation-to-local-authorities-in-two-tier-areas/letter-gloucestershire>

9.2 These documents will be available for inspection online at www.cotswold.gov.uk or by contacting democratic services democratic@cotswold.gov.uk for a period of up to 4 years from the date of the meeting.

Annexes:

- Annex A Letter from Local Government Minister to Council Leaders 5 February 2025
Annex B Draft Gloucestershire letter to Government on Interim proposals

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**Ministry of Housing,
Communities &
Local Government**

Jim McMahon OBE MP

*Minister of State for Local Government and
English Devolution*
2 Marsham Street
London
SW1P 4DF

Your reference:

Our reference:

To: Leaders of two-tier councils in
Gloucestershire

Cheltenham Borough Council
Cotswold District Council
Forest of Dean District Council
Gloucester City Council
Gloucestershire County Council
Stroud District Council
Tewkesbury Borough Council

5 February 2025

Dear Leaders

This Government has been clear on our vision for simpler, more sustainable, local government structures, alongside a transfer of power out of Westminster through devolution. We know that councils of all political stripes are in crisis after a decade of decline and instability. Indeed, a record number of councils asked the government for support this year to help them set their budgets.

This new government will not waste this opportunity to build empowered, simplified, resilient and sustainable local government for your area that will increase value for money for council taxpayers. Local leaders are central to our mission to deliver change for hard-working people in every corner of the country through our Plan for Change, and our councils are doing everything they can to stay afloat and provide for their communities day in, day out. The Government will work closely with you to deliver these aims to the most ambitious timeline.

I am writing to you now to formally invite you to work with other council leaders in your area to develop a proposal for local government reorganisation, and to set out further detail on the criteria, guidance for the development of proposals, and the timeline for this process. A formal invitation with guidance for the development of your proposals is attached at Annex A. This invitation sets out the criteria against which proposals will be assessed.

Developing proposals for reorganisation

We expect there to be different views on the best structures for an area, and indeed there may be merits to a variety of approaches. Nevertheless, it is not in council taxpayers' interest to devote public funds and your valuable time and effort into the development of multiple proposals which unnecessarily fragment services, compete against one another, require lengthy implementation periods or which do not sufficiently address local interests and identities.

The public will rightly expect us to deliver on our shared responsibility to design and implement the best local government structures for efficient and high-quality public service delivery. We therefore expect local leaders to work collaboratively and proactively, including by sharing information, to develop robust and sustainable unitary proposals that are in the best interests of the whole area to which this invitation is issued, rather than developing competing proposals.

This will mean making every effort to work together to develop and jointly submit one proposal for unitary local government across the whole of your area. The proposal that is developed for the whole of your area may be for one or more new unitary councils and should be complementary to devolution plans. It is open to you to explore options with neighbouring councils in addition to those included in this invitation, particularly where this helps those councils to address concerns about their sustainability or limitations arising from their size or boundaries or where you are working together across a wider geography within a strategic authority.

I understand there will be some cases when it is not possible for all councils in an area to jointly develop and submit a proposal, despite their best efforts. This will not be a barrier to progress, and the Government will consider any suitable proposals submitted by the relevant local authorities.

Supporting places through change

It is essential that councils continue to deliver their business-as-usual services and duties, which remain unchanged until reorganisation is complete. This includes progress towards the Government's ambition of universal coverage of up-to-date local plans as quickly as possible. To support with capacity, I intend to provide some funds for preparing to take forward any proposal, and I will share further information later in the process.

Considering the efficiencies that are possible through reorganisation, we expect that areas will be able to meet transition costs over time from existing budgets, including from the flexible use of capital receipts that can support authorities in taking forward transformation and invest-to-save projects.

The default position is that assets and liabilities remain locally managed by councils, but we acknowledge that there are exceptional circumstances where there has been failure linked to capital practices. Where that is the case, proposals should reflect the extent to which the implications of this can be managed locally, including as part of efficiencies possible through reorganisation, and Commissioners should be engaged in these discussions. We will continue to discuss the approach that is proposed with the area.

I welcome the partnership approach that is being taken across the sector to respond to the ambitious plans set out in the White Paper. My department will continue to work closely with the Local Government Association (LGA), the District Councils Network, the County Councils Network and other local government partners to plan how best to support councils through this process. We envisage that practical support will be needed to understand and address the key thematic issues that will arise through reorganisation, including managing service impacts and opportunities for the workforce, digital and IT systems, and leadership support.

Timelines and next steps for interim plans and full proposals

We ask for an interim plan to be submitted on or before 21 March 2025, in line with the guidance set out in the attached Annex. My officials will provide feedback on your plan to help support you to develop final proposals.

I will expect any full proposal to be submitted **by 28 November**. If I decide to implement any proposal, and the necessary legislation is agreed by Parliament, we will work with you to move to elections to new 'shadow' unitary councils as soon as possible as is the usual arrangement in the process of local government reorganisation.

Following submission, I will consider any and all proposals carefully before taking decisions on how to proceed. My officials are available throughout to discuss how your reorganisation and devolution aspirations might work together and what support you think you might need to proceed.

This is a once in a generation opportunity to work together to put local government in your area on a more sustainable footing, creating simpler structures for your area that will deliver the services that local people and businesses need and deserve. As set out in the White Paper, my commitment is that clear leadership locally will be met with an active partner nationally.

I am copying this letter to council Chief Executives. I am also copying this letter to local Members of Parliament and to the Police and Crime Commissioner.

Yours sincerely,

A handwritten signature in blue ink that reads "Jim McMahon". The signature is written in a cursive style and is positioned above a faint rectangular box.

JIM MCMAHON OBE MP

Minister of State for Local Government and English Devolution

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

INVITATION FOR PROPOSALS FOR A SINGLE TIER OF LOCAL GOVERNMENT

The Secretary of State for Housing, Communities and Local Government, in exercise of his powers under Part 1 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'), hereby invites any principal authority in the area of the county of Gloucestershire, to submit a proposal for a single tier of local government.

This may be one of the following types of proposal as set out in the 2007 Act:

- Type A – a single tier of local authority covering the whole of the county concerned
- Type B – a single tier of local authority covering an area that is currently a district, or two or more districts
- Type C – a single tier of local authority covering the whole of the county concerned, or one or more districts in the county; and one or more relevant adjoining areas
- Combined proposal – a proposal that consists of two or more Type B proposals, two or more Type C proposals, or one or more Type B proposals and one or more Type C proposals.

Proposals must be submitted in accordance with paragraphs 1 to 3:

1. Any proposal must be made by **28 November 2025**.
2. In responding to this invitation an authority must have regard to the guidance from the Secretary of State set out in the Schedule to this invitation, and to any further guidance on responding to this invitation received from the Secretary of State.
3. An authority responding to this invitation may either make its own proposal or make a proposal jointly with any of the other authorities invited to respond.

Signed on behalf of the Secretary of State for Housing, Communities and Local Government.



F KIRWAN

A senior civil servant in the Ministry of Housing, Communities and Local Government

5 February 2025

SCHEDULE

Guidance from the Secretary of State for proposals for unitary local government.

Criteria for unitary local government

- 1. A proposal should seek to achieve for the whole of the area concerned the establishment of a single tier of local government.**
 - a) Proposals should be for sensible economic areas, with an appropriate tax base which does not create an undue advantage or disadvantage for one part of the area.
 - b) Proposals should be for a sensible geography which will help to increase housing supply and meet local needs.
 - c) Proposals should be supported by robust evidence and analysis and include an explanation of the outcomes it is expected to achieve, including evidence of estimated costs/benefits and local engagement.
 - d) Proposals should describe clearly the single tier local government structures it is putting forward for the whole of the area, and explain how, if implemented, these are expected to achieve the outcomes described.

- 2. Unitary local government must be the right size to achieve efficiencies, improve capacity and withstand financial shocks.**
 - a) As a guiding principle, new councils should aim for a population of 500,000 or more.
 - b) There may be certain scenarios in which this 500,000 figure does not make sense for an area, including on devolution, and this rationale should be set out in a proposal.
 - c) Efficiencies should be identified to help improve councils' finances and make sure that council taxpayers are getting the best possible value for their money.
 - d) Proposals should set out how an area will seek to manage transition costs, including planning for future service transformation opportunities from existing budgets, including from the flexible use of capital receipts that can support authorities in taking forward transformation and invest-to-save projects.
 - e) For areas covering councils that are in Best Value intervention and/or in receipt of Exceptional Financial Support, proposals must additionally demonstrate how reorganisation may contribute to putting local government in the area as a whole on a firmer footing and what area-specific arrangements may be necessary to make new structures viable.
 - f) In general, as with previous restructures, there is no proposal for council debt to be addressed centrally or written off as part of reorganisation. For areas where there are exceptional circumstances where there has been failure linked to capital practices, proposals should reflect the extent to which the implications of this can be managed locally, including as part of efficiencies possible through reorganisation.

3. Unitary structures must prioritise the delivery of high quality and sustainable public services to citizens.

- a) Proposals should show how new structures will improve local government and service delivery, and should avoid unnecessary fragmentation of services.
- b) Opportunities to deliver public service reform should be identified, including where they will lead to better value for money.
- c) Consideration should be given to the impacts for crucial services such as social care, children's services, SEND and homelessness, and for wider public services including for public safety.

4. Proposals should show how councils in the area have sought to work together in coming to a view that meets local needs and is informed by local views.

- a) It is for councils to decide how best to engage locally in a meaningful and constructive way and this engagement activity should be evidenced in your proposal.
- b) Proposals should consider issues of local identity and cultural and historic importance.
- c) Proposals should include evidence of local engagement, an explanation of the views that have been put forward and how concerns will be addressed.

5. New unitary structures must support devolution arrangements.

- a) Proposals will need to consider and set out for areas where there is already a Combined Authority (CA) or a Combined County Authority (CCA) established or a decision has been taken by Government to work with the area to establish one, how that institution and its governance arrangements will need to change to continue to function effectively; and set out clearly (where applicable) whether this proposal is supported by the CA/CCA /Mayor.
- b) Where no CA or CCA is already established or agreed then the proposal should set out how it will help unlock devolution.
- c) Proposals should ensure there are sensible population size ratios between local authorities and any strategic authority, with timelines that work for both priorities.

6. New unitary structures should enable stronger community engagement and deliver genuine opportunity for neighbourhood empowerment.

- a) Proposals will need to explain plans to make sure that communities are engaged.
- b) Where there are already arrangements in place it should be explained how these will enable strong community engagement.

Developing proposals for unitary local government

The following matters should be taken into account in formulating a proposal:

Boundary Changes

- a) Existing district areas should be considered the building blocks for your proposals, but where there is a strong justification more complex boundary changes will be considered.
- b) There will need to be a strong public services and financial sustainability related justification for any proposals that involve boundary changes, or that affect wider public services, such as fire and rescue authorities, due to the likely additional costs and complexities of implementation.

Engagement and consultation on reorganisation

- a) We expect local leaders to work collaboratively and proactively, including by sharing information, to develop robust and sustainable unitary proposals that are in the best interests of the whole area to which this invitation is issued, rather than developing competing proposals.
- b) For those areas where Commissioners have been appointed by the Secretary of State as part of the Best Value Intervention, their input will be important in the development of robust unitary proposals.
- c) We also expect local leaders to engage their Members of Parliament, and to ensure there is wide engagement with local partners and stakeholders, residents, workforce and their representatives, and businesses on a proposal.
- d) The engagement that is undertaken should both inform the development of robust proposals and should also build a shared understanding of the improvements you expect to deliver through reorganisation.
- e) The views of other public sector providers will be crucial to understanding the best way to structure local government in your area. This will include the relevant Mayor (if you already have one), Integrated Care Board, Police (Fire) and Crime Commissioner, Fire and Rescue Authority, local Higher Education and Further Education providers, National Park Authorities, and the voluntary and third sector.
- f) Once a proposal has been submitted it will be for the Government to decide on taking a proposal forward and to consult as required by statute. This will be a completely separate process to any consultation undertaken on mayoral devolution in an area, which will be undertaken in some areas early this year, in parallel with this invitation.

Interim plans

An interim plan should be provided to Government on or before **21 March 2025**. This should set out your progress on developing proposals in line with the criteria and guidance. The level of detail that is possible at this stage may vary from place to place but the expectation is that one interim plan is jointly submitted by all councils in the area. It may be the case that the interim plan describes more than one potential proposal for your area, if there is more than one option under consideration. The interim plan should:

- a) identify any barriers or challenges where further clarity or support would be helpful.
- b) identify the likely options for the size and boundaries of new councils that will offer the best structures for delivery of high-quality and sustainable public services across the area, along with indicative efficiency saving opportunities.
- c) include indicative costs and arrangements in relation to any options including planning for future service transformation opportunities.
- d) include early views as to the councillor numbers that will ensure both effective democratic representation for all parts of the area, and also effective governance and decision-making arrangements which will balance the unique needs of your cities, towns, rural and coastal areas, in line with the Local Government Boundary Commission for England guidance.
- e) include early views on how new structures will support devolution ambitions.
- f) include a summary of local engagement that has been undertaken and any views expressed, along with your further plans for wide local engagement to help shape your developing proposals.
- g) set out indicative costs of preparing proposals and standing up an implementation team as well as any arrangements proposed to coordinate potential capacity funding across the area.
- h) set out any voluntary arrangements that have been agreed to keep all councils involved in discussions as this work moves forward and to help balance the decisions needed now to maintain service delivery and ensure value for money for council taxpayers, with those key decisions that will affect the future success of any new councils in the area.

DRAFT

Dear Minister McMahon,

Thank you for your letter of 5 February 2025 to all Gloucestershire Leaders setting out your requirement for us to work together to develop proposals for a single tier of local government, as well as setting out further detail on the criteria against which final proposals will be assessed. We are therefore writing to you to provide an update on Gloucestershire's progress in developing proposals for local government reorganisation.

Options for a unitary structure

Identify the likely options for the size and boundaries of new councils that will offer the best structures for delivery of high-quality and sustainable public services across the area, along with indicative efficiency saving opportunities.

There are currently three main options for a unitary structure in Gloucestershire currently under consideration by the principal authorities:

- (a) a unitary council for the whole county, population 659k (2023 mid-year estimate);
- (b) two unitary councils, one comprising or approximating the districts of Gloucester, Forest of Dean, and Stroud (population 349k) and the other comprising or approximating the districts of Cheltenham, Cotswolds, and Tewkesbury (population 310k). Any proposal for this option would set out the rationale for it, relying on the statutory guidance that "there may be certain scenarios in which this 500,000 figure does not make sense for an area, including on devolution".
- (c) A city-based unitary council based around a 'Greater Gloucester' area along with one or two unitaries for the rest of the county area (i.e. two or three unitary councils in total). Any proposal for this option would set out the rationale for it, relying on the statutory guidance that "there may be certain scenarios in which this 500,000 figure does not make sense for an area, including on devolution".

At present, there is not unanimity among the seven principal councils. More work is being done to identify which structure(s) will feature in the proposal submitted by 28 November, with a view to reaching agreement upon it (although all councils recognise that ultimately there might be competing proposals).

Option (b) does not immediately require a boundary review, but option (c) would require a principal area boundary review as there are parishes and geographical communities that would be unhelpfully split between the unitary authorities if the existing district boundaries were strictly applied. The current district boundaries do not always represent community identity, association with place, or potentially the most efficient opportunity for delivery of high quality services.

Costs of a unitary structure

Include indicative costs and arrangements in relation to any options including planning for future service transformation opportunities.

Two initial appraisals are attached as appendices.

1. An initial appraisal by PwC of unitary options (a) and (b), commissioned by the County Council.

2. An initial outline business case for unitary option (b), commissioned by Cheltenham Borough Council.

Work to understand the potential for savings under option (c) will be developed and brought forward in due course. Further work will be done to challenge and refine these initial assessments and, alongside any other work commissioned, will inform the final proposal(s) put forward in November.

No detailed work has yet been done on planning for future service transformation opportunities. It should be noted that some services are already operated on shared service arrangements across part or all of the county area (e.g. all seven councils own the environmental services Teckal company Ubico, along with West Oxfordshire District Council).

Devolution

Include early views on how new structures will support devolution ambitions.

The seven principal councils wish to see the county's communities, residents, and businesses enjoy some benefits from 'devolution' of powers and funding to their communities at the earliest possible date. There are a range of options for forming or joining a Strategic Authority that are currently under consideration.

One option would be to join West of England Combined Authority (WECA) to the south of the county, to reflect existing partnerships established in the South West Region, for economic development projects, transport and skills. While the pathway for councils to join an existing Mayoral Combined Authority is not yet confirmed, we assume that Government will legislate to permit this, in line with the assurances given to North Somerset Council. A possible timeline would be to vest new Unitary Councils in Gloucestershire in 2028 (possibly having created shadow authority(ies) in 2027), with a view to electing a new Mayor for an expanded WECA area in May 2029.

A second option under consideration would be to create a new Strategic Authority with the county areas of Worcestershire and Herefordshire to the north. This would be more straightforward in one sense, with potential for elections for a mayor in May 2027, with the unitary council or councils being constituent members of a Mayoral Combined Authority from that date (later timetables are possible such as elections in May 2028). However, this footprint would not align with police force boundaries (it would split West Mercia police area).

A third option would be to create a new Strategic Authority with the areas of Oxfordshire and, possibly, Swindon, to the east of the county. This could be delivered on a timetable similar to the north option above, but again would not align with police force boundaries (it would split Thames Valley police area and Wiltshire police area)

Ultimately the footprint and timing of the devolution process will involve decisions with neighbouring areas. Gloucestershire's councils commit themselves to working with neighbouring and nearby county councils and unitary authorities to provide clarity about the footprint and timetable as part of final proposals.

It is recognised that, under unitary option (b) or (c), it is possible that the two or three unitary councils could be in different mayoral combined authorities, though this is not the preferred option from the discussions so far. Discussions with councils in neighbouring areas will be taken forward collaboratively by all seven councils in order to identify a position that is supported not only in Gloucestershire but also legally achievable and desired by other participating areas.

It will be helpful for the Government to set out a clear and unequivocal position on whether it is prepared to see the areas of police forces, fire and rescue services, and integrated care boards split across Strategic Authorities. If the answer to any or each of those is “no”, it has a fundamental effect on the footprints that are possible, given the Government’s policy statements about alignment.

Electoral arrangements

Include early views as to the councillor numbers that will ensure both effective democratic representation for all parts of the area, and also effective governance and decision-making arrangements which will balance the unique needs of your cities, towns, rural and coastal areas, in line with the Local Government Boundary Commission for England guidance.

The electoral arrangements for the county council have recently been reviewed by the Boundary Commission and will be used for the elections on 1 May 2025.

They could continue to be used without any additional effort for a new unitary structure (option a), simply by doubling the number of councillors in each division.

If existing district boundaries were used for option (b), then the 2025 county divisions could also easily be used for the two unitary councils. However, the councils remain undecided as to whether a boundary review would benefit the option (b) proposal.

Option (c) proposes the need for a principal area boundary review to align those neighbouring parishes adjacent to Gloucester within the Greater Gloucester area. This Greater Gloucester area would likely require a total of 52 members. The remainder of the county area would likely require a similar number, if one additional unitary. Should two be proposed, this will likely need a greater number of members.

To summarise:

Option (a) – a unitary council of 110 members;

Option (b) – a unitary council for Western Gloucestershire of 58 members and a unitary council for Eastern Gloucestershire of about 52 members.

Option (c) – a unitary council for ‘Greater Gloucester’ of about 52 members and possibly 50 members across the remaining county area, should this be one unitary council. If two additional unitary councils are proposed the number of members will likely be greater.

All options would represent a reduction of about 185 councillors (-63%) compared to the current structure of 295 councillors. Assuming that the basic allowance for a unitary councillor would be broadly similar to the basic allowance of c.£12k paid in nearby unitaries, all options would provide an estimated saving of about £490k a year.

Adopting the proposed arrangements for the first elections to the new structure would not preclude a subsequent review by the Boundary Commission, for example to reduce councillor numbers further or to create single member divisions.

Should unitarisation proceed towards a vesting date of 2028, consideration would need to be given as to whether the district elections scheduled for 2027 in Cotswold District, Forest of Dean District, and Tewkesbury Borough should proceed.

Engagement

Include a summary of local engagement that has been undertaken and any views expressed, along with your further plans for wide local engagement to help shape your developing proposals.

Wider engagement with stakeholders hasn't been possible within the timescales to date. A local engagement plan is being developed to ensure consistent, joined-up, and meaningful engagement with the public, businesses, parish and town councils and partners ahead of submission of full proposals in November 2025.

Plans currently assume that local engagement will take place during Summer 2025, allowing time for a new administration to be formed following the County Council elections in May. A stakeholder map has been produced and analysis is underway to identify the most appropriate engagement methods. Although the engagement plan is not yet completed or agreed, we are considering establishing a neutral website and/or via the councils' existing websites as a place for stakeholders to access factual explanatory content, a library of key documents, and FAQs; organising a number of webinars / face to face meetings for partners to be updated and share their views; and establishing an agreed set of 'key questions' to enable responses from the public and partners. Key outputs from our joint engagement will be set out as part of proposals submitted in November.

Our engagement period will also have specific focus on:

- Place / locality: A 'Place Model' workstream has been established to consider arrangements for locality working and engagement within unitary structure(s). This workstream has been established with a wide membership which includes representatives from the Gloucestershire Association of Town and Parish Councils, the Gloucestershire Voluntary and Community Sector Alliance, the Society of Local Council Clerks, the Office of the Police and Crime Commissioner, Gloucestershire Constabulary, and the Integrated Care Board. Over the engagement period, it is intended that this will be expanded to include a mix of meetings and online engagement to test an emerging 'place model' with business, the VCSE sector, Town and Parish Councils, and other strategic partners. The engagement process and workstream outputs developed will be applicable to any potential submission through the range of options considered.

The Place Model workstream has developed initial early thinking about how a place model could develop and be incorporated within firm unitary proposals for November 2025. The workstream is exploring how we differentiate larger settlements with a greater degree of delegation and autonomy, and would use the engagement period to consult and engage more widely on these.

- Vision and ambition: There is already a strong consensus between councils on the economic, social, technological, and environmental challenges and opportunities for the county. A specific vision and ambition workstream has been established to develop and crystallise our thinking, and is actively working with a developing Leadership Conference grouping of 100 leaders from 20 organisations across the private, public, and voluntary sector in the county. Their next session in April will be focused on vision and ambition for place and its people, with specific reference to local government reorganisation and devolution. The work to date and planned is independently facilitated by the Leadership Centre for Local Government. We will aim to ensure any proposals for reform can be informed by this.
- Devolution: We recognise the importance of a clear roadmap for Devolution for Gloucestershire. Plans are forming about how this clarity (and consensus) can be established with wider stakeholders in order to inform proposals for November.

Preparatory costs

Set out indicative costs of preparing proposals and standing up an implementation team as well as any arrangements proposed to coordinate potential capacity funding across the area.

The councils are preparing to undertake engagement work with public and businesses; to take other steps to prepare proposals (including the work already commissioned by the County Council from PwC); and to set up an implementation team involving staff from all councils.

Gloucestershire councils seek Government funding to cover transition costs arising as a direct consequence of Government policy as set out in the English Devolution White Paper. In effect they are a new burden, representing additional work when there are no offsetting savings to fund them.

Our preparatory costs are estimated as at least £3.6m, to cover both the period up to November 2025 submission and some post-submission (but pre-implementation) costs beyond that point. These costs are borne by a combination of the seven Councils in Gloucestershire and cover the research, financial modelling and appraisal work associated with the three options being explored. Where possible, some of the potential cost has already been defrayed by deploying a principle of transparency to ensure all councils have an understanding of the range of analyses that can be utilised commonly. In addition to expert appraisal capacity, there is an increasing programme/ project management and data/information cost associated with the joint workstream arrangements set up from January 2025.

Although only minor communications costs have been borne to date, the Councils are currently planning an extensive engagement exercise with stakeholders and citizens, to commence shortly. This exercise will require discrete external and internal specialist resources.

Further programme infrastructure will be set up over 2025 and 2026 to prepare for the significant people, systems, and legal changes to come, and will need to be in place over 2026, 2027 and 2028. Some of these costs will be conditional on Ministerial decisions, but as Ministers would expect, Gloucestershire aims to be well prepared. These preparations will require the deployment of capacity to assess property, ICT/systems, and service specific information, as well as ongoing programme and data/information support.

We are content to describe in more depth the assumptions governing the above. As previously stated, these are 'at the least' assumptions.

Joint working on reorganisation and devolution

Set out any voluntary arrangements that have been agreed to keep all councils involved in discussions as this work moves forward and to help balance the decisions needed now to maintain service delivery and ensure value for money for council taxpayers, with those key decisions that will affect the future success of any new councils in the area.

The seven principal councils in Gloucestershire have a strong record of working together positively. The Councils have committed to collaborating in the development of these proposals including mutual commitments to share data with each other in support of evaluation of all the different options.

Six workstreams have been created, with participation from any of the seven councils plus some other key partners, and co-chaired by district and county council officers. These are:

- Combined Authority options

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- Unitary Options
- Vision and Ambition
- Place Models
- People and Culture
- Communications

These workstreams are coordinated and supported through a programme management group. The workstreams are accountable through a Chief Executives Group to a Political Leadership Board, comprising the Leaders of the seven principal authorities. Terms of Reference for all these groups have been developed and agreed.

Barriers or challenges requiring Government action

Identify any barriers or challenges where further clarity or support would be helpful.

- Early confirmation of the level of funding that will be made available for preparatory costs to submit proposals and to prepare for reorganisation.
- Early confirmation of the Government's policy position on splitting areas of police, fire, and integrated care boards.
- Clarification of the route and timescale for joining WECA, should that be Gloucestershire's preferred devolution option.
- Clarification of the circumstances under which Government will consider proposals that would result in a unitary council with a population of less than 500,000.
- The establishment of a clear indicative decision-making process and timings for Ministers post receipt of proposals. Should the process for Ministerial decision-making be significantly longer than circa 3 months, risks will develop, including additional direct costs to the Councils involved to 'double-run' key workstreams, the opportunity cost of delays to preparations for unitary authorities, and the consequences of increased public / stakeholder uncertainty.

Next Steps

We will continue to work collaboratively across Gloucestershire to develop full proposals for submission to Government by 28 November 2025.

Your sincerely,

Cllr Rowena Hay

Leader, Cheltenham Borough Council

Cllr Joe Harris

Leader, Cotswold District Council

DRAFT

Cllr Adrian Birch

Leader, Forest of Dean District Council

Cllr Jeremy Hilton

Leader, Gloucester City Council

Cllr Stephen Davies

Leader, Gloucestershire County Council

Cllr Catherine Braun

Leader, Stroud District Council

Cllr Richard Stanley

Leader, Tewkesbury Borough Council

Decision records from each council:

- Cheltenham Borough Council - *insert hyperlink*
- Cotswold District Council - *insert hyperlink*
- Forest of Dean District Council - *insert hyperlink*
- Gloucester City Council - *insert hyperlink*
- Gloucestershire County Council – *insert hyperlink*
- Stroud District Council - *insert hyperlink*
- Tewkesbury Borough Council - *insert hyperlink*

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