



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – JULY 2024
Subject	PUBLICA REVIEW - DETAILED TRANSITION PLAN
Wards affected	All wards
Accountable member	Cllr Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Robert Weaver, Chief Executive Email: rob.weaver@Cotswold.gov.uk
Report author	Robert Weaver Chief Executive Email: rob.weaver@Cotswold.gov.uk
Summary/Purpose	To consider the Detailed Transition Plan, to note its content and to approve the recommendations therein.
Annexes	Annex A – Detailed Transition Plan Annex B – Equality and Rurality Impact Assessment
Recommendation(s)	<p>That Cabinet resolves to recommend to Full Council to:</p> <ol style="list-style-type: none">1. Approve the implementation of Phase I of the Publica Transition based on the Detailed Transition Plan and the phasing for the transition.2. Delegate to the Chief Executive, in consultation with the Leader of the Council, the decision to deal with any final detail matters arising from the Detailed Transition Plan.3. Delegate authority to the Director of Governance and Development (Monitoring Officer), in liaison with the Leader, to update the constitution by making any consequential changes required as a result of Phase I of the Publica Transition.4. Carry out a budget re-basing for the 2026/7 financial year so that the funding provided to Publica is proportionate to the services received.5. Note that following the decision on Phase I, preparatory work for Phase 2 will commence and will be the subject of a separate report



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

I. BACKGROUND

- I.1. The majority of Cotswold District Council services are currently delivered through Publica, a joint vehicle owned by the Council together with West Oxfordshire District Council, Cheltenham Borough Council and Forest of Dean District Council. A Local Government Association Peer Review in October 2022 recommended an options appraisal be undertaken concerning how services were delivered. An options appraisal was undertaken in 2023 by external advisors Human Engine. Their final report (subsequently agreed by Cabinet and Council in November 2023) recommended that the majority of services should be repatriated to the councils, over 2 phases, and that Publica be reshaped. This work has been developed following the appointment of an Interim Programme Director in January 2024, leading to the Detailed Transition Plan having been prepared.
- I.2. Local Partnerships, supported by the Local Government Association (LGA) South-West Region transformation funding, subsequently delivered a report in February 2024, endorsing the Human Engine Report findings, providing additional supporting detail, and setting out two phases under which the majority of services should be repatriated Phase I comprising a



significant number of services expected to be in/around 2024 and phase 2 expected to commence in/around March 2025.

- I.3. In March 2024, the Council considered the Local Partnerships report which built on the recommendations set out in the Human Engine report, for subsequent agreement by Cabinet / Executive, Overview and Scrutiny and Council. The Council agreed to the recommendations and instructed the Interim Programme Director to prepare a Detailed Transition Plan.
- I.4. To support the Chief Executives of the Shareholders Councils and elected members in implementing the transition of services, an Interim Programme Director was appointed at the end of January 2024 to lead the Publica Transition Programme. The scope of this Programme referenced the Human Engine Report delivered in Autumn 2023 which recommended retaining selected services within Publica, meaning that the majority of services would move to direct control and be shared, via Publica or some other model on a case-by-case basis.
- I.5. The Interim Programme Director established a small, focused Programme Management Office, comprised of an HR expert/lead and a Business Partner Accountant. The programme team engaged with council and Publica key staff (including the Section 151's and Monitoring Officers) via the creation of several workstreams (Finance, Legal, HR, ICT and Communications, initially) as the 'spokes' to the Programme Management Office ('PMO') 'hub'. This flexible model has provided engagement that is both broad and technically defined. In addition, a workshop jointly facilitated with Local Partnerships took place with senior Publica executives and retained officers from the Councils to understand more about the views of the wider stakeholder group regarding the transition. This information was then used to develop an outline framework for the transition of services to enable the PMO to take the Programme forward.
- I.6. A governance structure was developed to provide oversight, support, and decision-making by way of an Officer Transition Board (comprised of each Council's CEO, the Interim Managing Director of Publica and the Interim Programme Director), with a Council Programme Board providing the bridge link back to the Councils.
- I.7. In developing the Detailed Transition Plan, the PMO carefully considered the Councils' objectives expressed through their corporate plan objectives, the design-led principles outlined at high-level by Local Partnerships in their report and the aims of the Transition in relation to services and service delivery.
 - Deliver more defined local priorities.
 - Better reflect Member priorities and Corporate Plans
 - Be more agile



- Be more sustainable.
- Ensure better control over service.
- Define services more to locality, with residents at the heart

1.8. In addition to the initial workshop, and project governance meetings, the PMO has undertaken fact-finding meetings with officers at all levels across the Councils and Publica to help inform the Transition Plan. This helped to develop the rationale for the services to be transitioned in Phase 1 and Phase 2.

1.9. Significant work has been undertaken to model the costs associated with the transition of services back to the council, involving the CEOs and S151 officers at each Council. Costings were modelled starting with an assured baseline, then considering risk, opportunity, and risk mitigation. Each element informed the overall project brief. Opportunities for sharing certain services and roles were considered and refined following a CEO workshop. Taken together, this has enabled a Programme GANTT chart to be refined over time providing the backbone to the programme. Through the process, it became clear that Phase 1 needed to take effect on 1 November to allow sufficient time for workforce consultation. The focus of the Detailed Transition Plan has therefore been on Phase 1 and the relevant steps for this. A full programme of Communications has been developed in support, together with documents developed by HR in support of the transition. There are no ICT systems implications and ICT is engaged in developing a series of Council employee portals to support Councils from the 1 November “go live” date onwards.

2. DETAILED TRANSITION PLAN

2.1 The Detailed Transition Plan attached in Appendix A sets out the services proposed to transfer, the process including phasing, consideration of risks and opportunities, cost implications, practicalities, and timelines. It makes recommendations for a number of elements to be noted and for the phasing for the Transition to be approved.

2.2 The Detailed Transition Plan has an accompanying employee communications and engagement plan to ensure that all the key information is passed to employees, that they are engaged in the process and that they are consulted with as part of the transition process. The plan follows best practice HR and communications and will follow a clear and prescribed process to ensure the right information is communicated at the right time to ensure employment law is adhered to and that Publica employees are treated fairly. It also focuses on supporting employees through the process and explaining what the future will look like post-transfer via the correct channels.



2.3 The service areas transferred in Phase I will include:

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

2.4 In addition, an HR Business Partner is to be seconded to the Council, ahead of the transfer, meaning that there will be a dedicated in-house Council resource at an early stage to support the Council directly pre- and post-transfer.

2.5 The Detailed Transition Plan has an accompanying employee communications and engagement plan to ensure that all the key information is passed to employees, they are engaged in the process, and they are consulted with as part of the transition process. The plan follows best practice HR and communications and will follow a clear and prescribed process to ensure the right information is communicated at the right time to ensure employment law is correctly followed and Publica employees are treated fairly. It also focusses on supporting employees through the process and explaining what the future will look like post-transfer via the correct channels.

3. THE COUNCIL PLAN

3.1 The Council has agreed on an ambitious corporate plan that recognises and embraces the challenges facing the District and sets out the Council's key priorities.

- Delivering Good Services
- Responding to the Climate Emergency



- Delivering affordable housing
- Supporting Communities
- Supporting the Economy

4. BUSINESS CASE

4.1. The Publica Review provides an opportunity to restructure the Council and invest to deliver the vision and priorities set by the Corporate Plan.

4.2. The rationale for the additional costs of Phase I is:

1. A more focused and defined approach to driving the delivery of the Council's priorities as set through the Council Plan.
2. Clear distinction between policy and high-level strategy versus delivery. More defined control for the Council.
3. Greater clarity over roles, responsibilities, and accountabilities – and where direction is set from.
4. Greater clarity and focus for those functions remaining with Publica.
5. Enabling performance and value for money to be more clearly defined and measured by the Council.
6. Simplifying processes and determining whether and how resources can be deployed and redeployed as priorities shift.
7. Greater responsiveness and agility, to be able to deliver Member priorities and adapt to changing circumstances.
8. Greater focus on locality and local services.
9. Employing people locally, using this in support of economic growth.
10. Opportunity to group services and accelerate efficiencies, by identifying synergies between services before moving and re-defining them.
11. Adopting a responsive and business-like approach with a commercial mindset when engaging with businesses, residents, and key stakeholders, ensuring a cost recovery approach is used where appropriate to maximize service efficiencies.
12. Better focus and ability to drive the sustainability agenda of the Council.

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



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

5. FINANCIAL IMPLICATIONS

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

February 2024 MTFS (Medium Term Financial Strategy) assumptions

The financial implications of Phase 1 are framed in the context of the February 2024 Medium-Term Financial Strategy (MTFS), as approved by the Council at the meeting on 21 February 2024. Section 2 of the MTFS outlined the emerging position of the Publica Review and the financial approach to be taken through the review process. In summary, the MTFS recognised the requirement to balance the budget over the MTFS period with service costs contained within the financial envelope set out in the MTFS by taking opportunities to make services as efficient and cost-effective as possible.

- 5.2 To ensure adequate provision is made for the costs and mitigation options over the transition period the MTFS sets out the approach to increase the availability of one-off revenue and capital resources through effective resource management and consideration of flexible capital receipts (where appropriate and in accordance with the Council's policy).
- 5.3 The Table below presents the summary MTFS from February 2024 – budget surplus forecast for 2024/25 and 2025/26 with a significant budget gap identified from 2026/27. It is worth noting that the position set out in the MTFS from 2026/27 was prior to the identification and delivery of additional cost savings or income streams.



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

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

5.4 Phase I Outline and Methodology

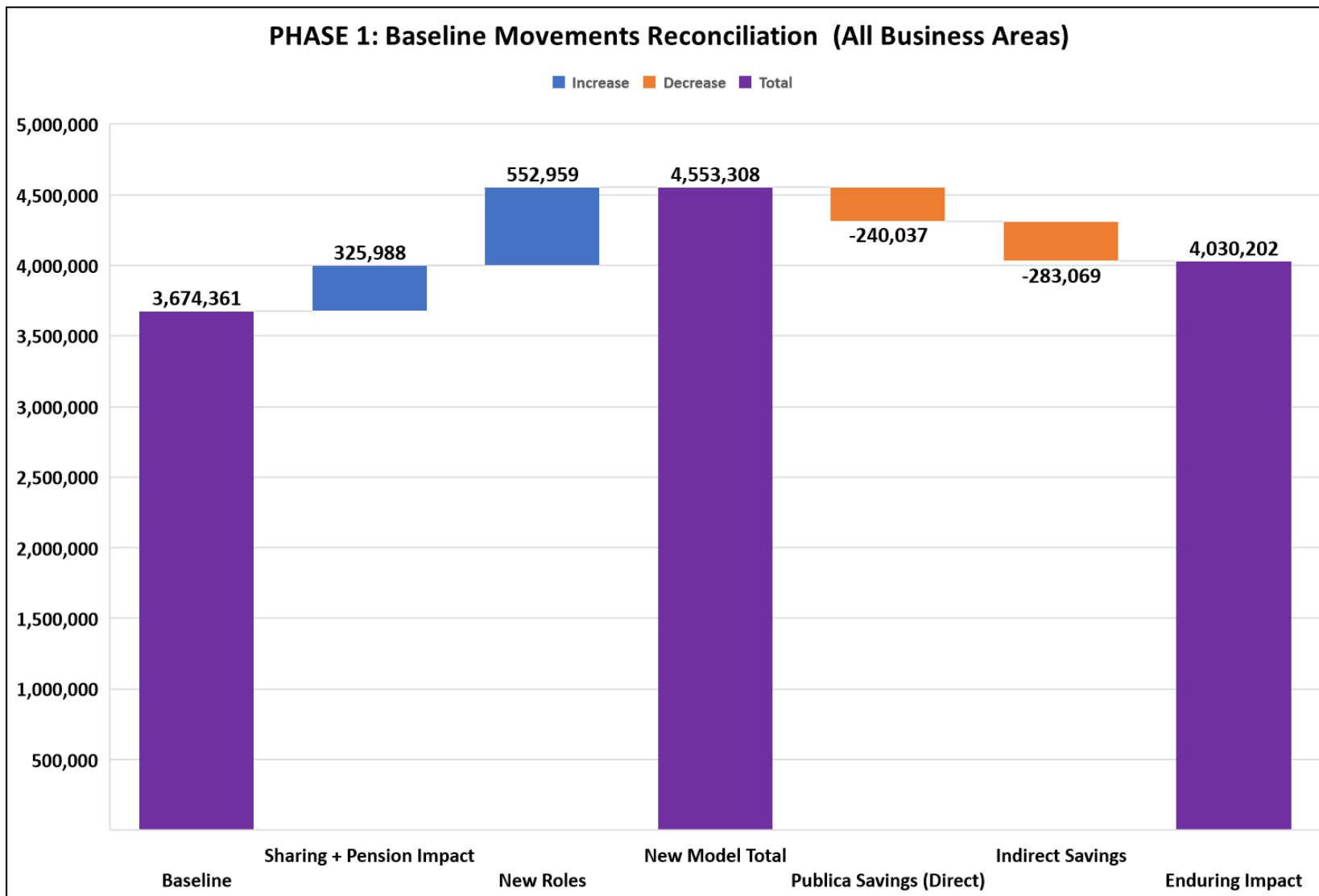
The methodology followed in the financial modelling for Phase I is summarised below:

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

- Sharing assumptions with WODC (West Oxford District Council) and/or FODC (Forest of Dean District Council).
- A small number of posts are identified as at risk with an estimated cost range included in this report for redundancy, payment in-lieu of notice, and pension strain.

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

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





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

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

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

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

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

5.9 Actions/Mitigations

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



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

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

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

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

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

5.10 Provision for Redundancy

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

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

5.12 Agency Staff Costs

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

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



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

6. LEGAL IMPLICATIONS

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

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

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

6.3 Internal Contractual Arrangements

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

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

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

6.5 External Contractual Arrangements

Existing contracts with external parties would require novation if the current party were Publica instead of the Council. This was identified as a potential risk in early meetings of the

legal workstream, but it has not materialised. The contracts register appears to show that contracts have been properly completed in the name of the Council.

6.6 Shared Working

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

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

6.7 Governance

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

6.8 Best Value Consultation

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

6.9 Employment Law

The proposal has at its core a change in the employment relations of all staff it impacts. Whilst this has principally been within the remit of the HR Workstream, The Legal Workstream has interrogated aspects of applicable employment law. There has been extensive discussion with external lawyers over the extent to which the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) applies to the insourcing of services. The conclusions of this are set out in section 4.0 of the Detailed Transition Plan.

6.10 Where TUPE does apply, the employment of any employees assigned to an organised grouping will transfer automatically to the Council unless they object to the transfer. They would be



employed on the same terms and conditions, save for gaining an entitlement to join the Local Government Pension Scheme.

- 6.11** Where a role is fragmented (shared) and will no longer remain shared post transfer, TUPE will not apply. In these instances, formal consultation will be undertaken with the impacted employees in line with the Publica Redundancy Policy and Procedure following ACAS best practice. Consideration will be given to alternative measures to minimise or avoid redundancies including, but limited to, suitable alternative suitable employment within Publica, or through employment opportunities with the Shareholder Councils.

7. RISK ASSESSMENT

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

8. EQUALITIES IMPACT

- 8.1** Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality in relation to:

- Race
- Disability
- Gender, including gender reassignment.
- Age
- Sexual Orientation
- Pregnancy and maternity
- Religion or belief

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

An Equality Impact Assessment has been prepared and is attached.

9. BACKGROUND PAPERS

- 9.1** None

(END)