

 COTSWOLD DISTRICT COUNCIL	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	OVERVIEW AND SCRUTINY COMMITTEE – 31 AUGUST 2021
Report Number	AGENDA ITEM 10
Subject	PUBLICA UPDATE
Wards affected	ALL
Accountable member	Cllr Joe Harris, Leader of the Council email: joe.harris@cotswold.gov.uk
Accountable officer	Jan Britton - Managing Director, Publica Tel: 01285 623103 email: jan.britton@publicagroup.uk
Summary/Purpose	To provide an update from Publica on commissioning and procurement and on progress made in response to the Publica Board Review carried out in 2020.
Annexes	A – Publica Board Governance Action Plan
Recommendation(s)	<i>a) To note the report.</i>
Corporate priorities	All
Key Decision	No
Exempt	No
Consultees/ Consultation	None

I Background

- 1.1 An update report from Publica was requested for this meeting, to focus in particular on Commissioning and Procurement and on the Publica Board Review carried out by Campbell Tickell in 2020.

2 Main Points

2.1 Commissioning and Procurement

- 2.1.1 The 2020 – 2022 Publica Business Plan identified “Get Commissioning Right” as a key Business Priority. The Procurement team has introduced a number of service improvements to facilitate delivery of this priority.
- 2.1.2 The Commissioning and Procurement Guide was published in December 2020 together with a training module, which was made available to all officers. The purpose of the user guide and training is to provide officers with guidance, knowledge and the tools to effectively Commission from the outset.
- 2.1.3 Following publication of the Commissioning and Procurement Guide, the Commissioning and Procurement Board was established in February 2021. The Board meets monthly, and is chaired by an Executive Director, supported by the Senior Procurement Business Partner. The purpose of the board is to provide a solid foundation for effective and efficient Procurement and Commissioning across the partnership. Board attendees include Executive Directors, S151 Officers, Group Managers and Business Managers or Service Lead Officers as and when required.
- 2.1.4 The agenda for each meeting is driven by effective monitoring and management of the Publica contracts database. Business Areas with contract renewals or new requirements in the pipeline are required to complete a standard Commissioning and Procurement report and are invited to board to discuss the requirement.
- 2.1.5 The discussions aim to ensure:
- Effective Commissioning from the outset – avoid simply doing the same as before;
 - Decisions are made that are line with aims and ambitions of partner Councils;
 - An outcome based approach is adopted;
 - Ethical procurement practices e.g. Social Value are built into the process;
 - Business Areas buy in to the new approach;
 - Effective Contract Management.
- 2.1.6 Examples of commissioning and procurement addressed by the board to date are as follows:

Requirement	Discussion Points	Outcome/Commissioner Actions
Publica Insurance Renewal	<ul style="list-style-type: none"> Up to Date Asset List for all partners. Procurement Route – Traditional Route/Framework or Local Government Mutual. 	<ul style="list-style-type: none"> The Publica Insurance Business Partner carried out a detailed exercise to ensure the asset list was up to date and accurate. This was shared with all stakeholders and signed off. An in depth review of the Mutual was carried out and it was deemed unfit for purpose due to the amount of unknowns but more importantly there is was no critical mass in place to make the Mutual both enticing or viable at this time.
Enforcement Contract Renewal – FoDC, WODC, CDC, SDC, CBC & TBC	<ul style="list-style-type: none"> Historically CDC has been the lead authority for this exercise. It was noted that charges for this service are as per legislation but it was agreed that members should have sight of this renewal. Procurement Route 	<ul style="list-style-type: none"> The Business Manager to speak to the partner councils to get an understanding of how they wish to proceed. The Business Manager provided a briefing paper for informal cabinets. It was agreed that a DPS (Dynamic Purchasing System) would be used for the Procurement Exercise.
Operational Parking Services – CDC, FoDC,	<ul style="list-style-type: none"> How the current contract is working Future possibilities and options Procurement Route. 	<ul style="list-style-type: none"> There are a number of options on the table so it was agreed the shared Parking Manager would draft a high-level briefing paper for both informal cabinets. No decision on procurement route has been made at this time.
Community Alarms – FoDC, CDC	<ul style="list-style-type: none"> Historically the services in the Cotswold district are provided by FODC The purchase of alarm equipment and ongoing maintenance – what has changed since we last procured? Procurement Route 	<ul style="list-style-type: none"> The Customer Enabling Manager is to speak to the relevant CDC cabinet Member to discuss the proposed procurement and explain the background to the current contractual arrangements. No decision on the procurement route has been made at this time.

Requirement	Discussion Points	Outcome/Commissioner Actions
CDC Leisure Contract Review	<ul style="list-style-type: none"> • The current Leisure market conditions • The strategy work completed for CDC has been adopted. • Options Appraisal – budget allocated. • A working Group has been set up. • Informal cabinet has been informed. • Any tender exercise would need to be kicked off at the start of the next calendar year to meet the expiry date of the current contract – July 2023. 	<ul style="list-style-type: none"> • No actions at this time. Awaits findings of the optional appraisal.

2.1.7 Next steps for the continual improvement of Commissioning and Procurement include:

- Preparation of a training module in Social Value to ensure it is considered at the right stage of the process and that the potential to create Social Value is maximised before contract award.
- Building consideration of the Climate Emergency into our Commissioning and Procurement approach.
- Carrying out a full review of the Procurement policy to address the above and reflect any changes in the post-Brexit Procurement Bill due to be published this autumn.
- Development of a Commissioning and Procurement section on the Publica Portal to keep everyone up to date with activity.

2.2 Publica Board Review

- 2.2.1 In 2020, Campbell Tickell were commissioned to carry out a review of the effectiveness of Publica's Board. Campbell Tickell engaged with all Publica's shareholder councils and a range of other stakeholders, including the Board members, and produced their final report in September 2020.
- 2.2.2 The report made 20 recommendations, all of which were accepted by the Publica Shareholder representatives at their meeting on 28 September 2020.

2.2.3 An action plan to address the recommendations was approved by the Publica Board on 1 February 2021, although some actions were progressed prior to this date.

2.2.4 A summary of the current position is set out in Annex A. The key progress points being:

- Appointment of new independent Chair of the Board – Sally Walker;
- Appointment of new independent Non-Executive Director to Chair an Audit and Risk Assurance Committee – Chris Wood;
- Establishment of the new Publica Audit and Risk Assurance Committee – first meeting held on 23 July 2021;
- Refreshed Shareholder Forum established – first meeting held on 29 July 2021.

3 Financial Implications

3.1 None.

4 Legal Implications

4.1 None.

5 Risk Assessment

5.1 There are no direct risks arising from the recommendation in this report. The intrinsic risks of ineffective commissioning and procurement, and weak governance within Publica are mitigated by the actions outlined in this report.

6 Equalities Impact

6.1 None.

7 Climate and Ecological Implications

7.1 No direct implications. Publica's Commissioning and Procurement workplan includes addressing how Commissioning and Procurement can support the Council's declaration on the Climate Emergency.

8 Alternative Options

8.1 None.

9 Background Papers

9.1 None.