



# **County Council**

**2 April 2013**

## **Agenda**

## Declarations of Interest

### The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

### Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

### What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

### List of Disclosable Pecuniary Interests:

**Employment** (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Rachel Dunn on (01865) 815279 or [Rachel.dunn@oxfordshire.gov.uk](mailto:Rachel.dunn@oxfordshire.gov.uk) for a hard copy of the document.

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

To: Members of the County Council

## ***Notice of a Meeting of the County Council***

**Tuesday, 2 April 2013 at 10.00 am**

**County Hall, Oxford OX1 1ND**



Joanna Simons  
Chief Executive

March 2013

Contact Officer: **Deborah Miller**  
Tel: (01865) 815384; E-Mail: [deborah.miller@oxfordshire.gov.uk](mailto:deborah.miller@oxfordshire.gov.uk)

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 7, 10 and 12 will be recorded. The purpose of recording proceedings is to provide an *aide-memoire* to assist the clerk of the meeting in the drafting of minutes.

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***Members are asked to sign the attendance book which will be available in the corridor outside the Council Chamber. A list of members present at the meeting will be compiled from this book.***

***A buffet luncheon will be provided***

## **AGENDA**

### **1. Minutes (Pages 1 - 6)**

To approve the minutes of the meeting held on 19 February 2013 (**CC1**) and to receive information arising from them.

### **2. Apologies for Absence**

### 3. **Declarations of Interest - see guidance note**

Members are reminded that they must declare their interests orally at the meeting and specify (a) the nature of the interest and (b) which items on the agenda are the relevant items. This applies also to items where members have interests by virtue of their membership of a district council in Oxfordshire.

### 4. **Official Communications**

### 5. **Appointments**

To make any changes to the membership of the Cabinet, scrutiny and other committees on the nomination of political groups.

### 6. **Petitions and Public Address**

### 7. **Questions with Notice from Members of the Public**

### 8. **Interim Arrangements for taking Emergency Decisions immediately following the County Council Elections**

Under the provisions of section 7 of the Local Government Act 1972 (as amended), all the existing County Councillors will retire together on the fourth day following the elections (i.e. on 7 May 2013) and the newly elected and re-elected Councillors will take office from that day. All positions under the Council's political management arrangements except for the Chairman and Vice-Chairman of the Council (for which there is a specific statutory exemption) fall vacant on that day, until they are filled at the first meeting of the County Council on 14 May 2013. In terms of formal member decision making there will therefore be a hiatus during this period and some provision will need to be made in the event that any urgent decisions are required.

Under the Constitution the Chief Executive has delegated power to take any Executive or non-Executive decision after consultation with the appropriate Director and following consultation with the Leader and Deputy Leader of the Council or (in the case of non-executive functions) the relevant Committee Chairman and Deputy Chairman. As these positions will not be filled until 14 May 2013 this delegation will need to be temporarily varied so that these powers can be exercised following consultation with the Chairman and Vice-Chairman of the Council, although there would be informal discussions with group leaders where these have been notified.

***The Council is therefore RECOMMENDED to agree a temporary variation to Part 7.3 of the Constiution Specific Powers and Functions of Particular Officers with effect that from 7 May 2013 to 14 May 2013 paragraph 6.3 (c) is to be read as follows:-***

***“(c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate Director and thereafter with the Chairman and Vice-Chairman of the Council.”***

## **9. Improved Member Engagement and Streamlined Governance: Governance Review (Pages 7 - 44)**

Report by County Solicitor & Monitoring Officer (**CC9**).

The Localism Act 2011 creates new freedoms for local authorities to consider for themselves the best framework for decision making in the Council and for increasing member involvement.

Whilst in Oxfordshire the leader and cabinet model has been successful in enabling quick decision making and strong leadership, the limitations of the current scrutiny system has meant that the Council has not been able fully to engage backbench members to influence key decisions and policy developments.

Consequently, Cabinet asked the Strategy and Partnerships Scrutiny Committee to oversee a cross-party working group to review the Council's governance arrangements and to consider a range of proposals. This was also conducted in the light of the imminent reduction in the number of members (following a boundary review) and in the light of fewer staff and resources being available to support future arrangements.

The recommendations from the working group enjoyed cross-party support and have been endorsed by both the Strategy and Partnerships Scrutiny Committee and by Cabinet. The governance arrangements now proposed will tie in more closely with the business of the Council and provide an opportunity for the greater engagement of all members.

In summary, the proposals are:

- Creation of Cabinet Advisory Groups;
- Creation of a standing Transport Advisory Panel;
- Streamlining of the overview and scrutiny function from 6 committees to 3 (Performance, Education and Health);
- Abolition of the Democracy & Organisation Committee with the re-alignment of its functions to Council, the Remuneration Committee and Audit & Governance Committee;
- Strengthening of local member engagement via Locality Working Groups.

In addition, Council is asked to note the statutory responsibility to establish a Health and Wellbeing Board.

***Council is RECOMMENDED to:***

- (a) endorse the proposals for new governance arrangements outlined in this report in paragraphs 5 to 24;***
- (b) agree that any approved governance arrangements be reviewed twelve months after coming into effect;***
- (c) note the establishment of a Health and Wellbeing Board for Oxfordshire and approve the outline terms of reference at Annex 3;***
- (d) ask the Monitoring Officer to make the consequential amendments to the Constitution to reflect these changes;***
- (e) note the additional Constitutional updates at Annex 4.***

## **10. Report of the Cabinet (Pages 45 - 52)**

Report of the Cabinet meetings held on 18 December 2012, 29 January, 26 February and 19 March 2013 (CC10).

## **11. Audit & Governance Committee - Annual Report (Pages 53 - 66)**

*Council is RECOMMENDED to receive the report.*

## **12. Questions with Notice from Members of the Council**

### **MOTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL**

*WOULD MEMBERS PLEASE NOTE THAT ANY AMENDMENTS TO MOTIONS WITH NOTICE MUST BE PRESENTED TO THE PROPER OFFICER IN WRITING BY 9.00 AM ON THE MONDAY BEFORE THE MEETING*

## **13. Motion From Councillor Anne Purse**

“This Council is responsible for maintaining Oxfordshire’s roads, but there is great concern about the time taken and the standard of repair. It is acknowledged that the winter of heavy rain and freezing temperatures has caused a considerable increase in the problems, but we cannot continue with dangerous holes left for longer than the 28 days required, or holes filled to a such a poor standard that further repairs are needed shortly afterwards.

People are damaging their vehicles, motorcycles and cycles on our roads, but find it hard to get recompense since it is impossible to prove which pothole was reported when in a situation where many roads have repeated holes and repeated repairs. This Council calls upon the Cabinet to require our contractors to meet their obligation on highways repairs and so ensure our roads are fit for the public to travel on.”

## **14. Motion From Councillor John Tanner**

“This Council regrets the £10 million of public money lost on the failed Cogged Link, the collapse of the recycling centre strategy, the failure to tackle delays in hospital to home transfer and the continued under performance of too many Oxfordshire schools. We urge the Cabinet, within existing budgets, to provide youth workers for every area of the County, to provide accessible transport for elderly and disabled people, to safeguard Oxfordshire's children's centres and to pay at least the Living Wage to all County Council staff and contracted employees.”

## **15. Motion From Councillor Stewart Lilly**

“This Council welcomes the news of the “City Deal”, and its significant benefits to all of Oxfordshire. This success in moving to the next stage recognises the tremendous efforts of this Council & its staff in the valuable contribution that Oxfordshire can and will make to bringing the country’s economy out of recession. Government clearly recognises that this authority has worked tirelessly in recent years to promote the County for economic growth. The University, the Science Vale Enterprise Zone, and the people of Oxfordshire now have exciting futures. Developing the detail of proposal will ensure that Oxfordshire’s important infrastructure will be able to progress and also provide much needed additional employment.

This council wishes the next administration to build upon this success and commit to continued partnership working with the City and district councils, business community and universities in developing the deal.”

## **16. Motion From Councillor Zoe Patrick**

“This Council recognises the importance of housing development being planned in a sustainable way with the infrastructure required in place at an early stage.

The County Council Developer Funding Team have had success in gaining infrastructure for some larger developments in various parts of the county in the past. However, there are many smaller developments in parts of Oxfordshire where numbers of houses are built without apparent input and without any objections from the highways officers, in spite of the extra traffic being created on existing roads. There is also concern that not enough priority is being given to ensure there are enough school places within existing schools when these developments are agreed. In some cases, new schools will be needed to cope with the demand. This is especially a problem when there are repeated applications in an area, that over a couple of years add up to many hundreds of houses, which would have triggered road and education infrastructure if in a single application.

As the County Council will be responsible for maintaining our roads and ensuring there are enough school places for our children, it is important that this is dealt with as a matter of urgency. This Council therefore urges the Cabinet to take heed of these problems and to work with officers to find urgent solutions to this issue. including closer working with district planning officers and improved liaison with local members.”

## **17. Motion From Councillor Tony Crabbe**

“The Henley Triathlon has taken place for the last two years and there are plans to hold another event this year. The event comprises three stages, swimming, road running and long distance cycling. The swimming and road running take place in Henley but the road race takes the cyclists around South Oxfordshire on the County road network. The cycling route has been changed each year due to the complaints of local residents, businesses and Parish Councils. The roads over which the event is held are closed to traffic for many hours on the Sunday of the event causing a disruption to those situated on the route.

The company organising the event, Just Racing, are a private company who aim to make a profit. The event is said to be prestigious and brings business to Henley. There is much discussion locally on the validity of this statement. The County Council are constrained in relation to the grounds upon which Special Events Orders can be granted without reference to taking into account strong local feelings both from communities and businesses.

Council therefore requests that the Leader writes to the relevant Ministers to request that greater freedom is provided to the County Council to make decisions that better reflect community concerns in line with the Governments stated aim that more decisions should be taken locally.”

## **18. Motion From Councillor Jenny Hannaby**

“This Council reaffirms its commitment to the safeguarding and wellbeing of the elderly and vulnerable in Oxfordshire.

Council notes the Annual Report of the Safeguarding Adults Board as presented to Adult Services Scrutiny committee and the Health and Wellbeing Board, and welcomes the initial steps taken to ensure that responsible agencies work together to minimise risk of personal abuse in residential care or nursing homes. Oxfordshire residents need to be assured that the highest level of care will be delivered with dignity and respect, and that the safety of those suffering from dementia, mental and learning or physical disabilities will always be of the highest priority.

Council does not believe that the Care Quality Commission has the capacity to meet its growing responsibilities, and notes the increase in reported failures in care inside residential care and nursing homes nationally and within Oxfordshire. Council calls on the cabinet to learn from mistakes and inadequacies revealed by whistle-blowers and the CQC, but also sees the need for pro-active monitoring through joint working and information sharing between the safeguarding adults team and the care home support service to ensure the safety of all residents in our care.”

## **19. Motion From Councillor Keith Mitchell**

Council recognises the value provided to many young people by school cadet corps and asks the Cabinet in the new Council to consider how to encourage Oxfordshire state schools to promote school cadet corps.

## **20. Motion From Councillor Stewart Lilly**

“That this County Council’s new administration examine the possibility of increasing and seeking greater flexibility with pre-planning application fees to bring this authority in line with neighbouring District, and other authorities in England. These measures to also see the addition of “administration fees” for the clearance and discharge of conditions of planning permissions issued. Government gives authorities the freedom to levy such costs as it derives to be reasonable. This would also bring much needed income to the County Councils finances.”



## 21. Motion From Councillor Larry Sanders

“The Government estimates there will be 500,000 fewer disabled working-age people able to claim Personal Independence Payments than would have received Disability Living Allowance (DLA) which it will replace. About 5000 disabled Oxfordshire residents will be affected, plus those who receive Carers Allowance for looking after people who receive DLA. This follows many other benefit changes which adversely impact disabled people.

The abolition of DLA is opposed by over 50 respected national organisations, including Age UK, Carers UK, Citizens Advice, Macmillan Cancer Support, Mind, Mencap and the Royal National Institute of Blind People, as well as the UK Disabled Peoples Council, the umbrella grouping for over 300 organisations of people with disabilities.

A major objection is that there has been no assessment of the:

- combined effect on disabled people and their carers of the many reductions in benefits and services;
- costs to the Government of the loss of employment by the large number of people who rely on DLA to enable them to work
- additional costs to the NHS and local Councils.

This Council:

- asks the Leader to request that the Government postpone abolition of DLA until such an assessment has been conducted; and
- asks for the formation of a cross-party Working Group to report to the Cabinet and Council on what needs to be done to meet the likely increase in demand for this Council’s services which would be caused by the various changes (as has been done by Buckinghamshire County Council).

## 22. Motion From Councillor Larry Sanders

The Welfare Benefits Up-rating Bill, if passed, will cap the increases of key benefits and tax credits for working-age families and their children at 1% a year for the next three years - well below expected rises in living costs. The government estimates this will push 200,000 more children into poverty.

The Bishop of Oxford joined over forty other Bishops of the Church of England in opposition to the Bill. Their letter said:

“The change will hit the poorest the hardest... Children and families are already being hit hard by cuts to support, including those to tax credits, maternity benefits, and help with housing costs. They cannot afford this further hardship penalty.”

The Archbishop of Canterbury supported the Bishops, saying: “As a civilised society we have a duty to support those among us who are vulnerable and in need. When times are hard, that duty should be felt more than ever... Politicians have a clear choice. By protecting children from the effects of this bill, they can help fulfil their commitment to end child poverty.”

This Council asks the Leader to:

- thank the Bishops and Archbishop for their efforts to protect the children of Oxfordshire;
- affirm our commitment to work to end child poverty through the services we provide;
- inform the Government that we oppose the Bill;
- establish a cross-party Working Group to investigate how the Council can use its powers to reduce child poverty in Oxfordshire.

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders on **Thursday 28 March 2013 at 3.45 pm.**

## OXFORDSHIRE COUNTY COUNCIL

**MINUTES** of the meeting held on Tuesday, 19 February 2013 commencing at 10.00 am and finishing at 4.05 pm.

**Present:**

Councillor Don Seale – in the Chair

Councillors:

Tim Hallchurch MBE	John Goddard	G.A. Reynolds
Alyas Ahmed	Janet Godden	Rodney Rose
M. Altaf-Khan	Patrick Greene	Gillian Sanders
Alan Armitage	Pete Handley	John Sanders
Lynda Atkins	Jenny Hannaby	Larry Sanders
Marilyn Badcock	Tony Harbour	Bill Service
Mike Badcock	Steve Hayward	Chip Sherwood
Maurice Billington	Mrs J. Heathcoat	C.H. Shouler
Norman Bolster	Ian Hudspeth	Roz Smith
Ann Bonner	Ray Jelf	Richard Stevens
Liz Brighouse OBE	Stewart Lilly	Keith Strangwood
Iain Brown	Lorraine Lindsay-Gale	Lawrie Stratford
Nick Carter	A.M. Lovatt	John Tanner
Louise Chapman	Sajjad Hussain Malik	Alan Thompson
Jim Couchman	Kieron Mallon	Melinda Tilley
Tony Crabbe	Charles Mathew	David Turner
Roy Darke	Caroline Newton	Nicholas P. Turner
Arash Fatemian	David Nimmo-Smith	Carol Viney
Anda Fitzgerald-O'Connor	Neil Owen	Michael Waive
Jean Fooks	Zoé Patrick	David Wilmshurst
Mrs C. Fulljames	Susanna Pressel	
Anthony Gearing	Anne Purse	

*The Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.*

**1/13 MINUTES**  
(Agenda Item 1)

The Minutes of the Meeting held on 11 December 2012 were approved and signed.

Matters Arising

Minute 222/12 (Question from Councillor John Sanders) Councillor Rose reported that the situation was still being monitored closely and that there was nothing further to report at this time.

Minute 222/12 (Question from Councillor Gill Sanders) Councillor Rose reported that he had sent a reply to all members of the County Council on this matter today.

Minute 225/12 (Questions from Councillor Alan Armitage and from Councillor Liz Brighthouse) Councillor Rose reported that he had sent a reply to all members of the County Council on these matters today.

Minute 225/12 (Questions by Councillor Liz Brighthouse) Councillor Fatemian reported that there had not yet been a meeting of the Adult Health & Social Care Board and that it had been placed on the Agenda for the next meeting.

Minute 225/12 (Question by Councillor Roz Smith) Councillor Tilley reported that the consultation had only just been completed and that she would report back to Councillor Smith in due course.

The Chairman drew members attention to the update in relation to the Dilnot Report printed on the Schedule of Business.

## **2/13 APOLOGIES FOR ABSENCE**

(Agenda Item 2)

Apologies for absence were received from Councillors Gibbard, Harvey, Hibbert-Biles, Jones, Mitchell, Robertson, Sexton, Skolar and Val Smith.

**RESOLVED:** to send a card to Councillor Val Smith with the best wishes of the Council.

## **3/13 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE**

(Agenda Item 3)

The Chairman clarified the position in relation to the declaration of disclosable pecuniary interests as set out in Annex 2 of the Schedule of Business.

## **4/13 OFFICIAL COMMUNICATIONS**

(Agenda Item 4)

The Chairman reported as follows:

- (i) The Chairman reminded members of the restrictions in connection with the non-payment of Council tax and voting on budget matters.
- (ii) The Chairman reported that he had written and congratulated those on the New Years Honours list with a connection to Oxfordshire services as attached at Annex 1 to the decisions);
- (iii) The Council congratulated Debbie Dance and Fran Fonseca both of whom became OBE's;

- (iv) The Chairman reported that he would be hosting a formal ceremony at County Hall on the evening of Tuesday 23rd April where The Lord Lieutenant on behalf of The Queen would present the BEM medals to the recipients;
- (v) The Chairman reported that two public meetings would be held to discuss the closure of Didcot A Power Station in March 2013. All Members had been invited to attend.

## **5/13 APPOINTMENTS**

(Agenda Item 5)

**RESOLVED:** to note the formal notice from the Leader of the Council of the following additions and clarifications (shown in bold below) to the Cabinet Member portfolios to take effect from Tuesday 18<sup>th</sup> December 2012:

### **Deputy Leader of the Council, Councillor Rodney Rose**

Transport, Internal Management

### **Cabinet Member for Police & Policies, Councillor Kieron Mallon**

Police Issues, Equalities and Community Safety, **Property & Facilities Management.**

## **6/13 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 6)

The following petition was received by the Chairman of the Council:

Mr Brian Yoxall, Mayor of Woodstock Town Council on behalf of the Woodstock Conservation Area Action Group against the new Soldiers of Oxfordshire Museum in Woodstock.

The petition was referred to Director of Environment & Economy.

## **7/13 REPORT OF THE REMUNERATION COMMITTEE TO OXFORDSHIRE COUNTY COUNCIL ON THE COUNCIL'S PAY POLICY STATEMENT**

(Agenda Item 7)

The Council considered the Report of the Remuneration Committee (CC7) on the Council's Pay Policy Statement, including the consideration of introducing the Living Wage and opening negotiations on introducing local bargaining on pay and terms and conditions.

**RESOLVED:** (on a motion by Councillor Hudspeth, seconded by Councillor Rose and carried nem con) to:

- (a) receive the report of the Remuneration Committee and to note the proposals to consider the introduction of the Living Wage and to open negotiations with trade unions with a view to introducing local pay;
- (b) approve the revised Pay Policy Statement set out at Annex 2 to the report.

**8/13 OXFORDSHIRE COUNTY COUNCIL CORPORATE PLAN 2013/14 - 2016/17**

(Agenda Item 8)

The Council had before them a report by the Assistant Chief Executive & Chief Finance Officer (CC8) which set out the proposed Corporate Plan for 2013/14-2017/18. This was one of the Plans and strategies that formed the policy framework and required full Council approval.

The Strategy & Partnerships Committee had submitted comments to the Cabinet, who had approved the draft on 29 January 2013.

**RESOLVED:** (on a motion by Councillor Hudspeth, seconded by Councillor Rose and carried by 42 votes to 8, with 12 abstentions) to approve the Corporate Plan 2013/14-2017/18 subject to the inclusion of consequential and editorial changes in the text as agreed by the Chief Executive after consultation with the Leader of the Council.

**9/13 SERVICE & RESOURCE PLANNING 2013/14 - 2016/17**

(Agenda Item 9)

The Council had before them the Report of the Cabinet (CC9(a)), the Report of the Assistant Chief Executive & Chief Finance Officer (CC9(b)), a supplementary Report of the Assistant Chief Executive & Chief Finance Officer, together with the Commentary on the Cabinet's Budget Proposals by the Assistant Chief Executive & Chief Finance Officer as the Council's Section 151 Officer (Additional Papers 1). The Council also had before it budget proposals in the form of: Amendments by the Liberal Democrat Group to the Cabinet's Revenue Budget, Amendments by the Labour Group to the Cabinet's Revenue Budget and Amendments by the Green Group to the Cabinet's Revenue Budget together with Commentary by the Assistant Chief Executive & Chief Finance Officer as the Council's Section 151 Officer (Additional Papers 2).

Councillor Hudspeth moved and Councillor Rose seconded the Cabinet's recommendations on Service and Resource Planning 2013/14 to 2016/17 (CC8(a)). In moving and seconding the motion, Councillor Hudspeth and Councillor Rose paid tribute to Sue Scane and her staff for all their work in preparing the Budget.

In moving the recommendations, Councillor Hudspeth announced his intention to make changes to the budget as follows:

One off funding of £50,000 to come from the Efficiency reserve in 2013/14 to develop improved and joined up technical solutions to paying for journeys across Oxfordshire and beyond;

The extension of the Councillor Community Budget scheme into 2013/14 with £10,000 per councillor to be funded from the Efficiency Reserve in 2013/14, to allow local councillors to make local decisions for their divisions.

Councillor Patrick moved and Councillor Armitage seconded an amendment to the Cabinet's budget as set out in the Additional Papers 2 (CC9 Liberal Democrat Amendments). Councillor Patrick paid tribute to the finance staff responsible for preparing the budget.

Following debate, the amendment was lost by 51 votes to 6.

Councillor Brighouse moved and Councillor Tanner seconded an amendment to the Cabinet's budget as set out in the Additional Papers 2 (CC9 Labour Group Amendments). Councillor Brighouse paid tribute to members of the finance team.

Following debate, the amendment was lost by 50 votes to 10 with 1 Abstention.

Councillor L Sanders moved and Councillor Sherwood seconded an amendment to the Cabinet's budget as set out in the Additional Papers 2 (CC9 Green Group Amendments). Councillor Sanders paid tribute to Sue Scane and her team.

Following debate, the amendment was lost by 54 votes to 2.

Members of the Cabinet then gave an overview of the areas of the Budget falling under their responsibility.

Following debate, the Chairman moved and Councillor Hallchurch seconded that the 'Question be now put'. Accordingly this was put to the vote and it was carried by 28 votes to 17 that the 'Question be now put'.

The substantive motion was then put to the vote and carried by 38 votes to 19.

**RESOLVED:** (by 38 votes to 19):

- (a) (in respect of revenue) to approve:
  - (1) a medium term plan for 2013/14 to 2016/17 as set out in Annex 1 (which incorporates changes the existing medium term financial plan as set out in Annex 3);
  - (2) a budget for 2013/14 as set out in Annex 2
  - (3) the Council Tax and Precept calculations for 2013/14 set out in Annex 4 and in particular:
    - (i) a precept of £268,449,208;

- (ii) a Council Tax for band D equivalent properties of £1,184.83;
  - (4) the updated financial strategy at Annex 5.
  - (5) the planned level of balances and reserves for 2013/14 to 2016/17 as set out in Annex 6;
  - (6) virement arrangements to operate within the approved budget for 2013/14 as set out in Annex 8;
  - (7) the use of Dedicated Schools Grant (provisional allocation) for 2013/14 as set out in Annex 9;
- (b) (in respect of treasury management) to approve:
  - (1) the Treasury Management Strategy Statement for 2013/14 as set out in Annex 7; and
  - (2) that any further changes required to the 2013/14 strategy be delegated to the Chief Finance Officer in consultation with the Leader of the Council.
  - (3) the continued delegation of authority to withdraw or advance additional funds to/from external fund managers to the Treasury Management Strategy Team;
  - (4) the Draft Treasury Management Policy Statement as set out at Appendix E of Annex 7;
- (c) to approve the Prudential Indicators as set out in Appendix A of Annex 7.
- (d) to approve the Minimum Revenue Provision Methodology Statement as set out in Appendix B of Annex 7.
- (e) (in respect of capital) to approve:
  - (1) the Corporate Asset Management Plan at Annex 10, the Transport Asset Management Plan at Annex 11 and the updated Capital Strategy at Annex 12;
  - (2) a Capital Programme for 2012/13 to 2016/17 as set out in Annex 13;
- (f) to delegate authority to the Leader of the Council, following consultation with the Chief Finance Officer, to make appropriate changes to the proposed budget.

..... in the Chair

Date of signing .....



Division(s): All

## **COUNCIL – 2 APRIL 2013 IMPROVED MEMBER ENGAGEMENT & STREAMLINED GOVERNANCE**

### **GOVERNANCE REVIEW**

Report by County Solicitor & Monitoring Officer

#### **Background**

1. The Localism Act 2011 creates new freedoms for local authorities to consider for themselves the best framework for decision making in the Council and for increasing member involvement.
2. The imminent reduction in the number of members (following a boundary review) and the availability of fewer staff and resources to support future arrangements also provided an opportunity to review the Council's governance arrangements.
3. Consequently, Cabinet asked the Strategy and Partnerships Scrutiny Committee to oversee a cross-party working group to review the Council's governance arrangements and to consider a range of proposals.
4. The recommendations from the working group enjoyed cross-party support and have been endorsed by both the Strategy and Partnerships Scrutiny Committee and by Cabinet. The governance arrangements now proposed will tie in more closely with the business of the Council and provide an opportunity for the greater engagement of all members.
5. In summary, the proposals are:
  - Creation of Cabinet Advisory Groups;
  - Creation of a standing Transport Advisory Panel;
  - Streamlining of the overview and scrutiny function from 6 committees to 3 (Performance, Education and Health);
  - Abolition of the Democracy & Organisation Committee with the re-alignment of its functions to Council, the Remuneration Committee and Audit & Governance Committee;
  - Strengthening of local member engagement via Locality Working Groups.
6. This report sets out further detail on how these new arrangements will operate. Annex 1 sets out outline terms of reference for the Cabinet Advisory Groups, Transport Advisory Panel and the Scrutiny Committees and includes a schedule of changes consequent on the abolition of the Democracy &

Organisation Committee. Annex 2 includes a plan of the council’s localities and a structure chart outlining the proposed governance arrangements.

7. In addition to reviewing the Council’s governance arrangements, Council needs to be aware of its statutory responsibility to appoint a Health and Wellbeing Board for Oxfordshire. This is a requirement of the Health and Social Care Act 2012 and Boards will ‘go live’ in April. Council is asked to note the establishment of a Health and Wellbeing Board and to approve the terms of reference set out in Annex 3.

### **Cabinet Advisory Groups**

	<b>Frequency</b>	<b>Membership</b>	<b>Chairman</b>
<b>Cabinet Advisory Group</b>	Up to 5 groups at any one time.  Task and finish groups meeting as required depending on the topic / issue being discussed.  Meetings could range from one day select committee style meetings to a longer term project.	Each group to involve approximately 7 members. The actual number will vary however according to the issue to be discussed.  Nominations via group leaders according to interest in the topic. Final membership agreed by Chairman.	Relevant Portfolio Holder

8. Cabinet Advisory Groups will primarily examine topics selected by Cabinet which align to corporate council priorities. This will enable back bench members to be more closely involved with issues of greatest importance to the council. The proposed number of groups running at any one time reflects available resources both member and officer. Once a group has completed its work and made recommendations to Cabinet, Cabinet would be able to commission further groups.
9. It is proposed that each group involves approximately 7 members, however numbers are likely to change (i.e. to be more or less) according to the topic and level of interest and will be determined on a case by case basis. The Constitution will allow for flexibility around the numbers in each Cabinet Advisory Group but will remain politically proportional.
10. The Performance Scrutiny Committee (see below) will be able to recommend to Cabinet performance concerns that may benefit from a Cabinet Advisory Group. It will be up to the Cabinet to agree if a group should go ahead.
11. Members of the Council may suggest issues for consideration by a Cabinet Advisory Group (or the Transport Advisory Panel) subject to the relevant Cabinet Member’s agreement.

12. The Groups will be supported by officers from the relevant Directorate and a member of the Research & Major Programmes team. (In a similar arrangement to current support for scrutiny).
13. There will be a presumption that Cabinet Advisory Groups meet in public. However there may be occasions when meetings would be best held in private, due to the issue being considered, as this would allow for exploration of all available options before a recommendation to Cabinet. Cabinet Advisory Groups will be undertaking discussions to aid policy formulation with the ultimate decision resting with Cabinet and being taken in public in the usual open and transparent way.

### **Transport Advisory Panel**

	<b>Frequency</b>	<b>Membership</b>	<b>Chairman</b>
<b>Transport Advisory Panel</b>	At least six times a year.	12 members covering all 9 localities	Relevant Portfolio Holder

14. The Transport Advisory Panel will support the Cabinet member for transport with their delegated decision making. The 12 members of the panel will be nominated by group leaders who will have regard to the aim to create a geographical spread within the panel.
15. The Panel will also advise the Cabinet member on transport policy developments and ensure policies are developed with the needs of Oxfordshire's diverse communities in mind.

### **Overview and Scrutiny**

	<b>Frequency</b>	<b>Membership</b>	<b>Chairman</b>
<b>Overview and Scrutiny Meetings</b>	Meet at least four times a year (with the ability to call more meetings if needed).	Education* - 7 OCC members plus 4 co-opted members.  Performance - 10 OCC members  HOSC - 7 members plus 5 District Council and 3 Co-opted members	Best person for the job regardless of party appointed by the Committee.

\*Retention of the current provision on political proportionality. The number of Councillors may be adjusted to ensure that a group with an overall majority on the Council has a voting majority (when voting co-optees are counted).

16. The Overview and Scrutiny function will be independent of Cabinet and include three standing committees with standing chairmen appointed by their Committee. Each committee will have the option to establish its own working groups should it wish to in order to explore particular issues in more depth.

17. The Education Overview and Scrutiny Committee will focus on the following areas:
  - a. The work of the Education Transformation Board, (two way relationship with the Board which oversees the education strategy), including review of the annual report of the Board.
  - b. Constructive challenge on performance issues. Education Transformation Board to highlight issues where the committee could support the improvement dialogue.
  - c. Remaining OCC education functions (e.g. early years, Special Education Needs and school place planning).
  - d. Regular review of progress / issues report from the School Organisation Stakeholder Group on admissions patterns and arrangements.
18. The Performance Overview and Scrutiny Committee will be linked to the Council's quarterly performance monitoring timeframes. It will focus on:
  - a. Review of corporate and directorate performance and finance reporting;
  - b. Budget scrutiny;
  - c. Statutory right of call-in.
19. The remit of the Health Overview and Scrutiny Committee will remain the same. This already involves scrutinising aspects of adult social care. As some queries have been raised regarding the prominence of adult services in the new governance proposals it is worth highlighting that where there are issues of concern or queries over the decisions being taken in relation to adult social care these would be picked up by the Performance Scrutiny Committee. Developments in the provision of adult services may also form the work of a Cabinet Advisory Group prior to decisions being taken.
20. The proposals outlined create up to 71 places for councillors to participate in the scrutiny and cabinet advisory function. (There are currently 59 places within the scrutiny function). In addition, members of the Council will be able to suggest issues for consideration by a Scrutiny Committee subject to the relevant Committee Chairman's agreement.

## **Locality Working**

21. Changes to electoral boundaries and the reduction in members requires the Council to reconsider its own locality boundaries (see the map outlining the proposals at Annex 2).
22. Localities will continue to meet twice yearly and provide an opportunity for members to influence and comment upon local services and commissioning intentions.
23. Localities are not formal decision making bodies, and do not as a matter of course have specific resources allocated to them. However they provide an important avenue of influence for members and a forum in which members'

views on local issues, needs and services can be shared with officers; and potentially also with scrutiny committees, cabinet advisory groups and Cabinet. As such, Locality meetings will be an important conduit for considering feedback from members about the local impact of the Council's plans and services.

24. Given the integral nature of the Locality meetings, it is also intended that they will provide a key focus for member induction following the 2013 county council elections.

### **Member Induction**

25. A programme of member induction activities is being developed to help support members in effectively carrying out their role post-election. A key feature of the Council's induction programme will be locality briefings and opportunities to meet with key officers to support local members in their role as community leaders.

### **Changes to other committees**

26. It is proposed to reduce the number of members on the Planning & Regulation Committee from the current 15 to 12. This reflects the reduction in members of the Council overall. This change will not affect the remit or operation of the committee.

### **Annual Review**

27. It is suggested (and endorsed by Cabinet) that if the governance arrangements outlined above are approved, Council should also agree to a review of the arrangements after a year of their coming into operation. Such a review can check to ensure that the arrangements are meeting their intended purpose.

### **Health and Wellbeing Board**

28. The Health and Social Care Act 2012 requires that, in two-tier areas, the County Council must establish a Health and Wellbeing Board. Boards are, in law, a committee of the Council and have key statutory responsibilities to improve the health and wellbeing of their local population and to reduce health inequalities. They will have specific statutory responsibilities including the preparation of a Joint Strategic Needs Assessment and a Joint Health and Wellbeing Strategy.
29. It is a statutory requirement to establish a Board and Annex 3 contains draft terms of reference for the Health and Wellbeing Board. These are based on the existing terms of reference for the Shadow Health and Wellbeing Board, amplified to reflect the statutory and regulatory requirements.

30. Council is asked to note the establishment of the Health and Wellbeing Board and to approve the terms of reference at Annex 3.

### **Updates to the Constitution**

31. In addition to the matters raised in this report, there are sundry other changes to the Constitution which I, as Monitoring Officer, have delegated power to make in order to comply with statute, to give effect to the Council's decisions or to provide clarification. Annex 4 summarises the changes being made. Track-change copies of the relevant sections will be available in the Members' Resource Room should members wish to view them.

### **32. RECOMMENDATIONS**

**Council is RECOMMENDED to:**

- (a) endorse the proposals for new governance arrangements outlined in this report in paragraphs 5 to 24;**
- (b) agree that any approved governance arrangements be reviewed twelve months after coming into effect;**
- (c) note the establishment of a Health and Wellbeing Board for Oxfordshire and approve the outline terms of reference at Annex 3;**
- (d) note the additional Constitutional updates at Annex 4;**
- (e) ask the Monitoring Officer to make the consequential amendments to the Constitution to reflect these changes.**

#### **PETER G CLARK**

County Solicitor and Monitoring Officer

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## Cabinet Advisory Groups

### 1. Introduction

The Cabinet, or individual Cabinet Members *[following notification to the County Solicitor]* may appoint Cabinet Advisory Groups. It is intended that no more than five such Advisory Groups will be appointed at any one time unless particular circumstances necessitate the appointment of additional Groups.

Cabinet Advisory Groups are not formal meetings of the Council and do not have the status of advisory committees under the Local Government Act 1972 Section 102(4).

Cabinet Advisory Groups will assist the Cabinet by focusing on Cabinet-identified priorities linked to the Corporate Plan. They will have the following common terms of reference although their specific remit will be determined by the appointing body/member.

### 2. Terms of reference:

- i. will explore key policy issues selected by Cabinet and which align to corporate priorities and will make recommendations upon them to Cabinet and/or to the appropriate Cabinet Member;
- ii. may conduct research, community and other consultation in the analysis of policy and possible options;
- iii. may liaise with other organisations operating in the area, whether national, regional or local, to ensure that policy recommendations are thus enhanced to reflect the interests of local people;
- iv. will operate as task and finish groups;
- v. will be chaired by the relevant Cabinet Member as part of their portfolio responsibility or by a nominated vice-chairman in his/her absence;
- vi. will have a membership of approximately 7 members including the chairman appointed to it although the precise number may vary according to the issue under consideration;
- vii. will follow the rules of political proportionality following receipt of nominations from group leaders having regard to:
  - a. A member's interest in the topic in question
  - b. Geographical representation – that is, membership from across Oxfordshire
  - c. Cross party - reflecting the balance of the political parties within the Council as a whole

- viii. will have quorum of three members one of which should be the Cabinet Member chairing it or its vice-chairman;
- ix. notwithstanding that the Groups are not formal committees of the Cabinet or Council, there will be a presumption that meetings will take place in public; nevertheless there may be occasions when the Groups may wish to meet in public having regard to the issues being considered and the exploration of all available options;
- x. will in any case report formally to the Cabinet and/or to the appropriate Cabinet Member;
- xi. will meet on the dates and at the times and places determined by the chairman of the Group which shall be set as far as possible in advance and notified to members of the Group and if appropriate to the public
- xii. will operate such that agendas and reports are sent to members of the Groups at least five clear days in advance of each meeting and that any public meetings are published as if the access to information rules applied ;
- xiii. may give consideration to any petitions received by the Council which may be of relevance to the topic area under consideration;
- xiv. will determine their final recommendations to Cabinet and/or the appropriate Cabinet Member by consensus if at all possible or by means of a show of hands if necessary.



# Transport Advisory Panel

## 1. Transport Advisory Panel

The Cabinet will appoint a Transport Advisory Panel to support the Cabinet Member for transport with his/her decision-making. The Transport Advisory Panel is not a formal meeting of the Council or Cabinet and does not have the status of an advisory committee under the Local Government Act 1972 Section 102(4). The Transport Advisory Panel will have the following terms of reference.

## 2. Purpose

The Panel will advise the Cabinet member on transport policy developments and will ensure that policies are developed with the needs of Oxfordshire's diverse communities in mind.

## 3. Terms of reference

- i. will meet at least six times a year;
- ii. will be chaired by the relevant Cabinet Portfolio holder or by the nominated vice-chairman in his/her absence;
- iii. will follow the rules of political proportionality;
- iv. will have a membership of 12 members nominated by group leaders and having regard to the aim to create a geographical spread bearing in mind the Council's designated localities;
- v. will have quorum of four members one of whom should be the Cabinet Member chairing it or its vice-chairman;
- vi. notwithstanding that the Panel is not a formal committee of the Cabinet or the Council, there will be a presumption that its meetings will take place in public; nevertheless there may be occasions when the Panel may wish to meet in private having regard to the issues being considered and the exploration of all available options;
- vii. **notification of public right to raise** will meet on the dates and at the times and places determined by the chairman of the Group which shall be set as far as possible in advance and notified to members of the Group;
- viii. will operate such that agendas and reports are sent to members of the Panel at least five clear days in advance of each meeting and that any public meetings are published as if the access to information rules applied;
- ix. may give consideration to any petitions received by the Council which may be of relevance to the topic area under consideration;

- x. will determine their final recommendations to Cabinet and/or the appropriate Cabinet Member by consensus if at all possible or by means of a show of hands if necessary.

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# Overview and Scrutiny Committees

## 1. Terms of Reference

The Council will appoint two overview scrutiny committees and a joint health overview and scrutiny committee as set out below. The two overview and scrutiny committees will conduct their proceedings in accordance with the Overview & Scrutiny Procedure Rules at Part 6.2 of the Constitution. The Joint Health Overview and Scrutiny Committee is established in accordance with Article 10 of the Constitution.

The Council's Overview and Scrutiny Committees and Joint Health Overview & Committee will each meet at least 4 times a year and will have the membership indicated below. The chairman of the meetings will be the best person for the role, in the opinion of the committees, regardless of party affiliations.

## 2. General role:

Within their specific terms, each scrutiny committee may:

- (i) establish their own working groups in order to explore issues further;
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) consider any matter affecting the area or its inhabitants;
- (iii) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (iv) conduct, as appropriate, any research, community or other consultation in the analysis of policy issues and possible options;
- (v) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (vi) question members of the Cabinet, ordinary committees and officers about their views on issues and proposals affecting Oxfordshire or about their decisions;
- (vii) report annually to full Council on their work and make recommendations for future work programmes as appropriate;

## 3. Performance Overview and Scrutiny Committee

The Performance Overview and Scrutiny Committee will have 10 members. Its terms of reference will be:

- (i) To review and scrutinise the performance of the Council and to provide a focused review of:
  - a. Corporate performance and directorate performance and financial reporting
  - b. Budget scrutiny
- (ii) To monitor the performance of the Council by means of effective key performance indicators, review of key action plans and obligations and through direct access to service managers, Cabinet Members and partners;
- (iii) To exercise the statutory right to call-in, for reconsideration, decisions made but not yet implemented by or on behalf of the Cabinet;
- (iv) To address any queries or issues of concern that may occur over decisions being taken in relation to adult social care;
- (v) To fulfil the Council's scrutiny responsibilities under the Crime and Justice Act 2006.

#### **4. Education Overview and Scrutiny Committee**

The Education Overview and Scrutiny Committee will have a membership of 7 county councillors plus 4 co-opted members. The county councillor membership will be politically proportional. The terms of reference of the Committee will be:

- (i) To focus on the following key areas:
  - a. The work of the Education Transformation Board, providing a two way relationship with the Board which oversees the education strategy, and including review of the annual report of the Board.
  - b. Constructive challenge on performance issues with the Education Transformation Board highlighting issues where the Committee can support the improvement dialogue.
  - c. Reviewing the Council's education functions including early years, Special Education Needs and school place planning
  - d. Reviewing the progress of, and any issues emanating from, the School Organisation Stakeholder Group with regard to admissions patterns and arrangements;
  - e. Reviewing issues raised by the Schools Forum.
- (ii) To assist the Council in its role of championing good educational outcomes for Oxfordshire's children and young people;
- (iii) To provide a challenge to schools and academies and to hold them to account for their academic performance;
- (iv) To promote joined up working across organisations in the education sector within Oxfordshire;

- (v) To review the bigger picture affecting academic achievement in the county so as to facilitate the achievement of good outcomes;
- (vi) To represent the community of Oxfordshire in the development of academic achievement across the county, including responding to formal consultations and participating in inter-agency discussions;
- (vii) To contribute to the development of educational policy in the county;

## **5. Joint Health Overview and Scrutiny Committee**

The Joint Health Overview and Scrutiny Committee will have a membership of 7 county councillors plus 5 district councillors and 3 co-opted members. The Joint Committee was formed under Section 8 of the Health and Social Care Act 2001 to discharge the County Council's functions under that Act.

Its terms of reference remain the same and the main section of these is attached as Appendix 1 for information.

## Appendix 1

# THE OXFORDSHIRE JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE

## Constitution, Operating Procedures and Protocols

### 1. The Committee

Oxfordshire County Council, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, The Vale of White Horse District Council and West Oxfordshire District Council (“the Constituent Councils”) have under powers in Section 8(2) (a) of the Health and Social Care Act 2001 and associated Regulations, formed a joint committee between the Councils to discharge the functions of Oxfordshire County Council given to it under that Act. Except as set out in paragraph 5, the Committee will operate within the administrative County of Oxfordshire and will be geographically co-terminus with the boundary of the Oxfordshire Primary Care Trust in so far as it serves the County of Oxfordshire:-

The Committee will conduct all of its proceedings in accordance with the relevant Regulations and government guidance and shall operate in accordance with this Constitution and the procedures set out herein. In any case of doubt where any matter is not covered by this Constitution then the Constitution of Oxfordshire County Council shall apply, modified as appropriate.

### 2. Membership

The membership of the Committee and the Councils from which members are appointed (“the Appointing Councils”) is set out in Section 1. Members should normally serve for a period of 4 years unless they resign or are replaced by the Appointing Council.

Councillors will not be eligible to serve on the Committee if:-

- (1) they become a member of an Executive of one of the Appointing Councils or
- (2) they cease to be a member of the authority which appointed them

In the event of either of these occurring, that Councillor’s membership of the Committee will be terminated accordingly.

### 3. Co-opted Members

In addition to Councillors the Joint Health Overview & Scrutiny Committee shall, in order to assist it in its work, include in its membership up to three non-voting co-opted members. Such members might be appointed because

of the personal contribution they would make to the work of the Committee or to represent health related interests as determined by the Committee from time to time.

Co-opted Members shall normally serve for a period of 2 years. Co-opted members may serve for one further consecutive period of 2 years. In the event of a co-opted member resigning before the expiry of her/his period of office a new Co-opted member shall be appointed who shall serve for the remaining period of office. If the member no longer represents the interest(s) for which they were appointed, it shall be open to the Committee to terminate that person's membership.

#### **4. Terms of Reference**

The Committee will discharge the functions conferred by Section 21 of the Local Government Act 2000 (as modified by Section 7 of the Health and Social Care Act 2001 and associated Regulations and Guidance. The Committee may not discharge any functions other than those conferred by that legislation.

The detailed Terms of Reference of the Joint Committee as agreed by the Constituent Councils are set out in Section 2 attached. No member of the Committee may be involved in scrutinising a decision in which s/he has been directly involved.

The Committee will observe the following principles in the discharge of their functions:-

- Overview & Scrutiny will be undertaken on the basis of mutual understanding and trust between the local authorities in Oxfordshire, with the health sector and others;
- Will seek to add value by maximising the involvement of non-executive members of the County and District Councils in the overview and scrutiny of health issues which affect the population of Oxfordshire;
- Avoid duplicating other NHS and local authority inspection processes and the work of the Oxfordshire LINK;
- Will adopt a flexible approach to its ways of working as is consistent with legal requirements, be member led, open and transparent and will lead to evidence based outcomes;
- Will act independently of the constituent authorities and undertake overview and scrutiny activities on a consistent and co-ordinated basis.

#### **5. Delegation of Functions**

Subject to the requirements of the relevant Regulations and government guidance, the Committee may join with any other local authority or Health Overview and Scrutiny Committee of such authority to form a joint committee. Such body will be able to discharge such functions of that authority or

overview and scrutiny committee as may be determined to further the interests of those authorities or committees or is in the interests of the inhabitants of their areas.

The Committee may delegate such of its functions as it wishes to another local authority, subject to such delegation relating to specific issues and the requirements of the relevant Regulations and government guidance.

### **Establishment of Review Panels**

The Committee may appoint such Review Panels of their members as they may determine to undertake and report back to the Committee on specified investigations or reviews as set out in the work programme. Appointments to such Review Panels will be made by the relevant Committee, ensuring political balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

## **6. Meetings of the Scrutiny Committees**

The Committee shall have 6 ordinary meetings scheduled in each year. In addition, other meetings may be called as and when required. A Scrutiny Committee meeting may be called by the Chairman of the Committee following consultation with the Chairman; by one third of the members of the committee; or by the Committee Officer if s/he considers it necessary or appropriate.

The dates for and notices of all meetings of the Committees shall be published as required by Part VA of the Local Government Act 1972. If there is insufficient business a scheduled meeting may be cancelled by the authorised officer where the Chairman and Deputy Chairman of the Committee o consent.

Where a Councillor appointed to the Joint Committee is unable for any reason to attend a meeting s/he shall be able to be substituted at that meeting by another non-executive Councillor from the Appointing Council where that Council has rules which permit such substitution. Where there are rules, such substitution shall be in accordance with those rules. However, in the interests of maintaining continuity and the development of experience and knowledge in the functions of the Committee such substitution should be discouraged. Where substitution does take place it shall be the duty of the member of the Committee to ensure that his/her substitute is adequately briefed on the matters to be considered at the meeting. Substitution will not apply to any Review Panels appointed by the Committee.

## **7. Chairs/Chairwomen/Chairmen and Deputy Chairs/Chairwomen/Chairmen**

The Chairman of the Joint Committee shall be drawn from the County Council members of it and normally elected on an annual basis following the annual meeting of Oxfordshire County Council.



The Deputy Chairman of the Joint Committee shall be drawn from amongst the District/City Councillors on the Committee and elected on an annual basis immediately following the election of the Chairman.

If the Chairman and Deputy are both absent from a meeting of the respective Committee then the Councillor members of that body will elect someone to preside at that meeting from amongst their number.

Review Panels will appoint one of their members as Chairman for the life of the Panel.

## **8. Quorum**

The quorum of a meeting of the Committee will be one quarter of the whole number of voting members, or three voting members, whichever is the greater. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. Voting**

The Committee should strive wherever possible to reach a consensus view on the issues before them without the necessity for a vote. Where however the Chairman of the meeting considers that a vote is necessary in order to determine a majority view, it shall be taken by a show or count of hands of the Councillor members present. Co-opted members do not have a vote. In the event of an equality of votes, the Chairman of the Committee shall have a second or casting vote.

## **10. Work Planning and Programming**

The development, implementation and management of the work programme of the Joint Overview & Scrutiny Committee will be the key to ensuring that health scrutiny is effective, focussed and adds value and that clear objectives are set and regularly evaluated. To achieve this Protocol setting out how work planning and programming will be undertaken by the Joint Committee is set out in Section 3.

In undertaking activities within the work programme the Joint Committee and, subject to approval by it of a scoping template for any investigation or review, any Review Panel may hold enquiries and investigations and appoint advisers and assessors to assist them in this process. They may conduct public surveys, hold public meetings, commission research and do all other things within the law that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. The costs of these activities will be met in accordance with paragraph 21.

The Committee and its Review Panels may go on site visits. However, in the case of premises where National Health Services are provided, no powers are contained in the legislation which would require a NHS body to comply with a request for such a visit. Members shall not therefore, in the conduct of their Scrutiny functions, make arrangements to visit such premises unless they are specifically invited to do so by appropriate NHS officers with the authority to do so. Any request for visits would need to be agreed in advance by the Committee or when approval is given to a scoping template. The scoping template and other tools to assist the Committee and Review Panels are set out in Section 4.

## **11. Agenda and Minutes of Meetings**

The Committee shall publish agenda for its meetings and shall maintain and publish a record (in the form of minutes) of its proceedings in accordance with Part VA of the Local Government Act 1972. The Scrutiny Committee shall consider the following business at its meetings:

- (i) election of a person to preside if the Chairman and Deputy Chairman are not present
- (ii) approval of the minutes of the last meeting and receipt for information of any matters arising on them
- (iii) apologies for absence and any substitution in accordance with the relevant Appointing Authority's arrangements
- (iv) declarations of interest
- (v) any responses of the National Health Service, appointing Councils or any other body to reports of the Scrutiny Committee
- (vi) consideration of any matter referred to the Committee by the Oxfordshire LINK
- (vii) the business otherwise set out on the agenda for the meeting

Any items of urgent business not included on a published agenda will be dealt with in accordance with Section VA of the Local Government Act 1972.

Any member of the Committee shall be entitled to give notice to the authorised Officer of the relevant Constituent Council that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for that Committee.

The Committee shall also respond, as soon as their work programme permits, to requests from the Oxfordshire LINK to review or investigate any particular issues relating to the functions of the Committee. Where they do so, the Scrutiny Committee shall in addition to any other reporting, send their findings and any recommendations made to the LINK as soon as is practicable.

## **12. Reports of the Scrutiny Committee**

Once the Committee has completed its deliberations on any matter, a formal report will be prepared on its behalf and, when agreed, the authorised officer will refer it and any recommendations to the National Health Service bodies and the appointing Councils as appropriate and to any other body specified by the Committee. At the same time, the report and its findings shall also be made public.

Where any investigation or review is conducted by a Review Panel, that Panel will refer its findings to the Scrutiny Committee who shall consider those and if they consider it appropriate prepare a report for submission to the appropriate health body and/or local authority and shall make the report and findings public.

In accordance with Regulation 3 of The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, a report or recommendation produced by the Committee must include:-

- an explanation of the matter reviewed or scrutinised
- summary of the evidence considered
- list of the participants involved in a review or scrutiny activity
- recommendations

The Committee may request a response from the NHS body (ies) to which the report is sent. This shall be given in writing by that body within 28 days.

### **13. Attendance by National Health Service Officers at Meetings of the Committee and Review Panels**

The Committee and Review Panels may require an officer of a local NHS body to attend before the Committee to answer questions to enable it to discharge its functions. To this end, at least 15 working days notice in writing of the date of attendance should normally be given. The notice will state the nature of the item on which s/he is required to attend and whether any papers are required to be produced for the Committee. The officer concerned will be given sufficient notice to allow for preparation of that documentation. That officer is not required to answer any question which would disclose confidential information as defined in Regulation 5 of The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 or if s/he would be entitled to refuse to answer it for the purpose of any court proceedings. However, the Committee and any Review Panel should ask for this information to be anonymised wherever possible.

Where, in exceptional circumstances, the officer is unable to attend on the required date, the authorised Officer shall in consultation shall arrange an alternative date for attendance.

Further Guidance for Officers of the NHS, Councils and others attending the Committee and Review Panels is set out in Section 6.

#### **14. Attendance by Executive Members and Officers of Constituent Councils**

The Committee and Review Panels may require an Executive member or an officer of any of the Constituent Councils to attend before the Committee to answer questions to enable it to discharge its functions. At least 15 days notice in writing of the date of attendance should normally be given. It shall be the duty of those persons to attend if so required. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the authorised Officer shall arrange an alternative date for attendance.

#### **15. Attendance By Others**

The Scrutiny Committee and Review Panels may invite people other than those referred to in paragraphs 14 and 15 above to address it, discuss issues of local concern and/or answer questions. The Chairman of the Committee or Review Panel shall decide the appropriate form of participation as relevant to the issues under consideration and the individual circumstances prevailing.

Guidance for those attending a meeting of the Scrutiny Committee or Review Panels is set out in Section 6.

#### **16. Provision of Information by NHS Bodies and Constituent Councils**

The lead NHS body has a duty under Regulation 5 of The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 to provide the Committee and Review Panels with such information about the planning, provision and operation of health services as they may reasonably require to enable them to discharge their functions. However, this does not include:

- confidential information which relates to and identifies a living individual (unless that individual consents)
- disclosure of information prohibited under any legislation

In such cases, the Committee and Review Panels can require the information to be put in an anonymised form.

The Constituent Councils should equally supply such information as is requested by the Committee and Review Panels to enable them to effectively discharge their functions.

#### **17. Duty of NHS Bodies to Consult on Substantial Developments or Variations in Provision of Service**

Under Regulation 4 of The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 a NHS body must consult the Committee, where it has under consideration any proposal for a substantial development of the Health Service or a substantial variation in the provision of such service. This will not apply where:

- it is a proposal to establish or dissolve an NHS Trust or a PCT (unless that involves a substantial development or variation as above)
- it involves a proposal for a pilot scheme under the NHS (Primary Care) Act 1997
- where a decision has to be taken without allowing time for consultation because of a risk to the safety or welfare of patients or staff

The Committee may comment on the proposals by a date set by the NHS body.

The Committee may report to the Secretary of State in writing where it is not satisfied that:

- consultation has been adequate in relation to content or time allowed
- a decision has been taken without consultation because of urgency and these reasons were adequate

The Secretary of State may require the NHS body to carry out consultation or further consultation with the Committee as s/he considers appropriate. The NHS body must then have regard to the outcome of that and reconsider any decision it has taken.

Where the Committee considers that any proposal would not be in the interests of the health service in Oxfordshire, it may report in writing to the Secretary of State who may make a final decision on the proposal.

The process for dealing with such consultations is set out in the Protocol on Work Planning and Programming in Section 3.

## **18. Public Participation**

The Committee and its review panels will engage with the public in a wide range of ways as set out in this Constitution. In addition, a protocol aimed at providing a mechanism to enable stakeholders and members of the public to suggest issues for review by the Committee is contained in Section 5.

## **19. Public Access to Meetings of the Committee**

All meetings of the Committee shall be open to the press and public and the provisions of Part VA of the Local Government Act 1972 as amended by the Health and Social Care Act 2001 will apply. Where the press and public are to be excluded from any meeting then the Committee must pass an appropriate resolution complying with the requirements of that legislation. The definitions and categories of Exempt and Confidential information set out in Schedule 1 of the Health and Social Care Act 2001 are reproduced in Section 7. Private briefings by officers to the Committee shall not be open to the press or public.

In addition to their rights of attendance, members of the public shall be able to present a petition at meetings of the Committee provided that:

- (a) the petition is relevant to the functions of the Committee and
- (b) notice of the desire to present the petition and information as to its subject matter is given to the authorised Officer of the relevant Constituent Council not later than 9.00 a.m. on the day before the meeting

Any question as to the relevance of any petition shall be determined by the Chairman.

When petitions are presented the presenter shall have the right to address the Committee for no more than 3 minutes in support of the petition.

Members of the public shall also be able to request the opportunity to address meetings the Committee on items on the Agenda for a period not exceeding 5 minutes provided that:-

- (a) Notice of the request and an indication of the issues to be raised are received by the authorised officer not later than 9.00 am. on the day before the meeting
- (b) the Chairman shall determine the request and the time when the address shall be made
- (c) at the discretion of the Chairman, members may seek clarification from the addressor of any issues raised during his/her address

## **20. Officers**

The County Council will provide staff and specialist advice and support to the Committee and any review panels it establishes. The County Council will service and support the Committee. The Constituent Councils will each nominate a senior officer to provide support to the Health Scrutiny function.

## **21. Finance**

The County Council will meet the operational and running costs of the Committee and any review panels it establishes. The Constituent District Councils will meet the operational and running costs of any health scrutiny review it wishes to have considered by the Committee.

## **22. Conduct of Members**

The Codes of Conduct of their relevant Appointing Authorities shall apply to all Councillor Members of the Committee. The Oxfordshire County Council Code of Conduct shall apply to the Co-opted members of the Committee.

Each of the Appointing Authorities shall be responsible for indemnifying the Councillors appointed by them to the Committee against any claims against them as a result of lawfully discharging the functions of the Committee.

### 23. Annual Report

The Committee shall produce in April each year a report for the Appointing Authorities on its activities during the preceding year. That report shall also be published to health bodies and the public.

### 24. Review of Activities

The Committee shall periodically review their activities and evaluate the outcomes of their work plan and programme. They shall also keep under review the effectiveness of their operational protocols.

### 25. Termination of Arrangements

The joint arrangements may be terminated by agreement between the Constituent Councils.

## SECTION 1

### Membership of the Joint Health Overview and Scrutiny Committee

The following table sets out the allocation of Members to be appointed by the Constituent and other Councils:

Committee	Appointing Council and Number of Places
Oxfordshire Joint Health Overview & Scrutiny Committee	Oxfordshire CC (7)
	District Councils (1 place each) (5)
	Co-opted members (3)
	<u>(15)</u>
	_____

<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b>New committee</b>
(1) The functions relating to elections specified in Section D of Schedule 1 to the Functions Regulations.	<p>6.Duty to appoint returning officer for local government elections.</p> <p>9.Power to divide electoral divisions into polling districts at local government elections.</p> <p>10.Powers in respect of holding of elections.</p> <p>13.Duty to declare vacancy in office in certain cases.</p> <p>14.Duty to give public notice of a casual vacancy.</p> <p>16.Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.</p> <p>17.Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.</p> <p>NB in practice only one report per year goes to DOC on election matters and that is on the scale of fees for the next year.</p>	<p>Audit and Governance</p> <p><i>Rationale: fits with the need for overarching governance arrangements to; and the annual reports on scale of fees fit with the role of monitoring the use of council resources</i></p>
(2) The functions relating to name and status of areas and individuals specified in Section E of Schedule 1 to the Functions Regulations.	<p>1.Power to change the name of a county, district or London borough.</p> <p>3.Power to confer title of honorary alderman or to admit to be an honorary freeman.</p>	<p>Council</p> <p><i>Rationale: civic and ceremonial issue affecting the identity and representation of the Council and the community</i></p>
(3) The functions in relation to the designation of particular officers for certain	<p>39. Duty to make arrangements for proper administration of financial affairs etc. (Section 151 of the Local Government Act 1972.)</p> <p>40. Power to appoint officers for particular purposes (appointment</p>	<p>Remuneration Committee</p> <p><i>Rationale: Fits with the committees existing remit of making appointments of senior</i></p>



<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b>New committee</b>
<p>purposes specified in Paragraphs 39, 40, 43 and 44 in Section 1 of Schedule 1 to the Functions Regulations.</p>	<p>of "proper officers"). (Section 270 of the Local Government Act 1972) 43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc. (Section 4(1) of the Local Government and Housing Act 1989 (c. 42).) 44. Duty to designate officer as the monitoring officer, and to provide staff, etc (Section 5(1) of the Local Government and Housing Act 1989.)</p>	<p><i>staff and key posts.</i></p>
<p>(4) The functions in relation to the appointment etc of staff specified in Paragraph 37 in Section 1 of Schedule 1 to the Functions Regulations.</p>	<p>37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). (Section 112 of the Local Government Act 1972.)</p>	<p>Remuneration Committee</p> <p><i>Rationale: fits with the existing role of determining exactly these things for <u>senior</u> staff</i></p>
<p>(5) The determination of appeals against decisions made by or on behalf of the authority as specified in Paragraph 2 of Schedule 2 to the Functions Regulations.</p>	<p>The determination of an appeal against any decision made by or on behalf of the authority.</p>	<p>Appeals &amp; Tribunals Sub-Committee</p> <p>To be a sub-committee of A&amp;G Committee <i>Rationale: fits with the checks-and-balances role of Audit &amp; Governance. To be chaired by a member of the A&amp;G Committee but to be comprised by other members of the Council (effectively those specifically interested in appeals work)</i></p>
<p>(6) In the case of</p>	<p>19. The appointment of any</p>	<p>Remuneration</p>

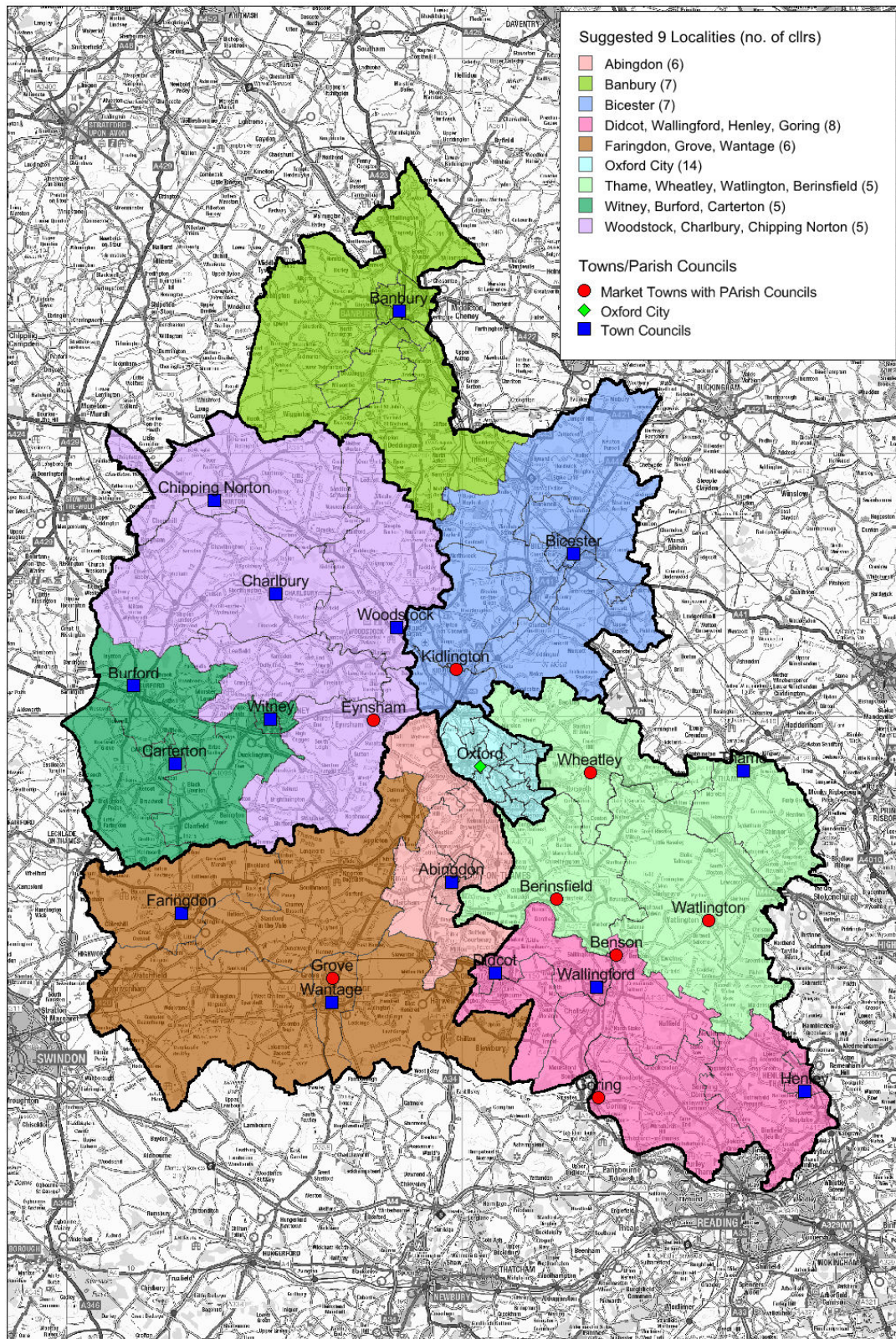
<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b>New committee</b>
<p>any office or body which has not been identified by the Cabinet and endorsed by the Council as strategic, the functions relating to appointment of individuals to offices or bodies as specified in Paragraph 19 of Schedule 2 to the Functions Regulations.</p>	<p>individual -            (a) to any office other than an office in which he is employed by the authority;            (b) to any body other than -                (i) the authority;                (ii) a joint committee of two or more authorities; or            (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>	<p>Committee</p> <p><i>Rationale: fits generally with the committee's existing powers of making appointments.</i></p>
<p>(7) In the case of matters for which the Cabinet is not responsible, the making of agreements with other local authorities for the placing of staff at the disposal of those other authorities as specified in Paragraph 20 of Schedule 2 to the Functions</p>	<p>20. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>Remuneration Committee</p> <p><i>Rationale: fits generally with the committee's existing powers of making appointments</i></p>

<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b><i>New committee</i></b>
Regulations.		
(8) The functions relating to Local Government Pensions for which the Pension Fund Committee is not responsible.	<p>Functions in relation to pensions (including the determination as employing authority of the benefits for individual applications for early retirement) – other than the following (which are the responsibility of the Pension Fund Committee):</p> <ul style="list-style-type: none"> <li>• Functions relating to local government pensions, etc arising from Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)[52].</li> <li>• Division of Oxfordshire Pension Fund under Section 21 of the Oxfordshire Act</li> <li>• Functions in relation to the Firemen’s Pension Scheme including: <ul style="list-style-type: none"> <li>○ <i>Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.</i></li> </ul> </li> </ul>	<p>Remuneration Committee Via Pension Benefits Sub-Committee</p> <p><i>Rationale: sits with the broad remit of remuneration for officers</i></p> <p>Pension Benefits Sub-Committee currently comprises chairman, deputy, and spokesperson of DOC, but could as easily comprise:</p> <ul style="list-style-type: none"> <li>• A member of Remuneration Committee (or substitute)</li> <li>• Two other members of council</li> </ul>
(9) The making, amending and revoking of byelaws in accordance with Part XI of the Local Government Act 1972, as amended by the Local Government and Public	This was delegated from Council to Democracy & Organisation Committee during 2011/12	<p>Council</p> <p><i>Rationale: this came from Council to DOC in 2011/12 and could easily revert back to Council given the civic nature of this issue and the lack of frequency of it.</i></p>

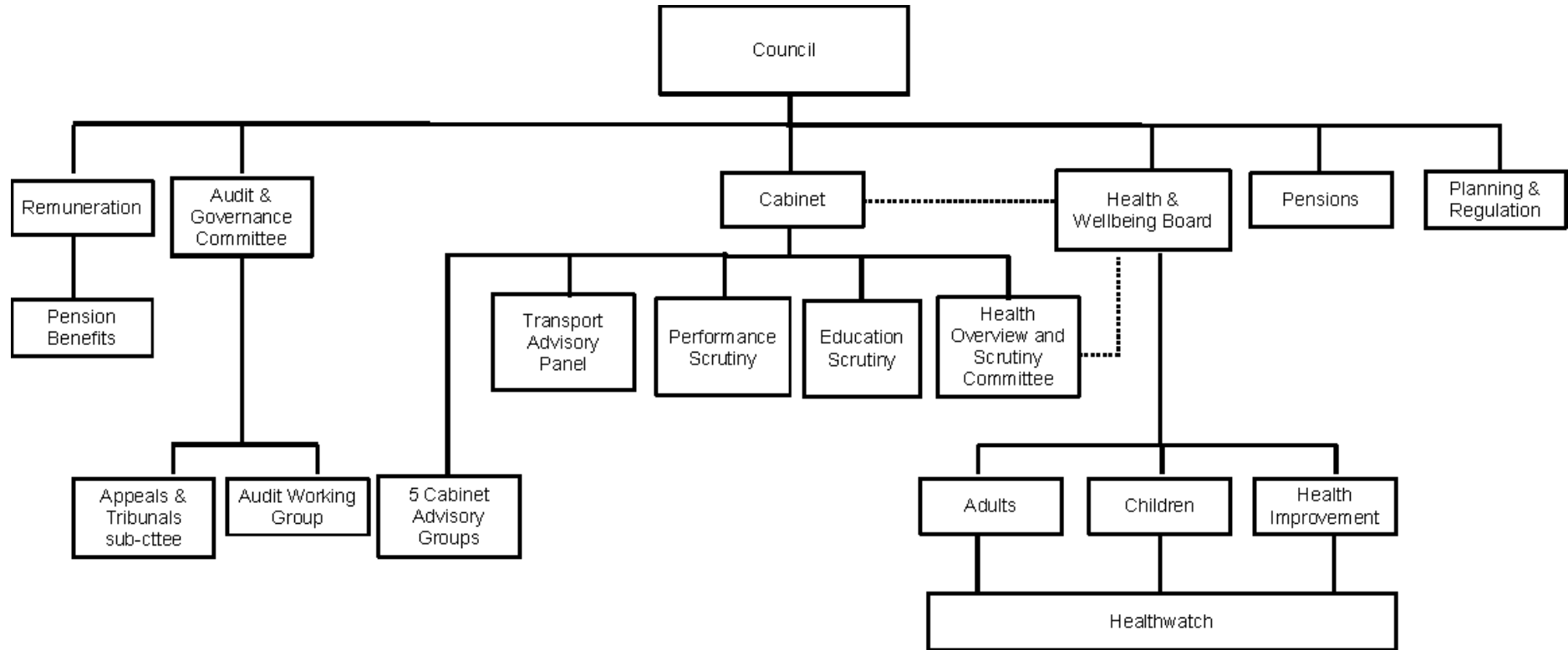
<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b><i>New committee</i></b>
Involvement in Health Act 2007.		
(10) Formal sub-committees of DOC	<p><u>Appeals Sub</u> To hear and determine appeals in cases where the relevant procedure rules require this function to be performed by a formally constituted committee or sub-committee.</p> <p><u>Tribunal appeals</u> To hear and determine appeals in other cases under the relevant procedure rules</p> <p><u>Fire service discipline sub-committee</u> To act as the disciplinary tribunal hearing and determining cases against principal officers in the first instance in accordance with the provisions of the Fire Service (Discipline) Regulations 1985.</p>	<p>Re-name as: Appeals &amp; Tribunals Sub-Committee and to be a formal sub-committee of Audit &amp; Governance Committee</p> <p><i>Rationale: fits with the checks-and-balances role of A&amp;G.</i></p> <p><i>Merge the currently separate ‘appeals sub’, ‘tribunals panel’ and ‘Fire Service Discipline Sub’ of DOC to remove layers of bureaucracy and to build expertise and skills in appeals/tribunal hearings – which require same training and approach.</i></p> <p><i>But future membership could simply be:</i></p> <ul style="list-style-type: none"> <li>• <i>A member of DOC</i></li> <li>• <i>Two other members of council (one being a cabinet member in the case of Fire Service Discipline issues)</i></li> </ul> <p><b><i>NB Fire Service Discipline matters are still being finalised.</i></b></p>



A Proposed localities



## B Proposed Governance Model



# Health and Wellbeing Board

## 1. Health and Wellbeing Board

The Council must establish a Health and Wellbeing Board<sup>1</sup>. The Board will be the principal structure in Oxfordshire with responsibility for promoting the health and wellbeing of the people of the county.

## 2. Role and function

The Health and Wellbeing Board will have the following responsibilities, to be amplified within its own terms of reference:

The Board will:

- (1) Prepare a Joint Strategic Needs Assessment<sup>2</sup> to help determine the priorities and objectives for health and social care services across Oxfordshire
- (2) Prepare a Joint Health and Wellbeing Strategy<sup>3</sup> for the whole population of Oxfordshire to drive the development and delivery of services to meet agreed priorities;
- (3) Oversee the joint commissioning arrangements for health and social care across the county
- (4) Maintain oversight of the commissioning intentions of both the Clinical Commissioning Consortium and the Council;
- (5) Generally exercise the functions of the Council and its partner clinical commissioning groups under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”);
- (6) Exercise any other functions of the Council which may be delegated to the Board (other than the functions of the authority by virtue of section 244 of the National Health Service Act 2006);
- (7) Encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.

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<sup>1</sup> The Board is a committee of the Council by virtue of the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

<sup>2 3</sup> In accordance with sections 116 and 116A of the Local Government and Public Involvement of Health Act 2007

- (8) Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- (9) Establish and monitor three Partnership Boards and a Public Involvement Board to help deliver required service change and improved outcomes.

Additionally the Board may:

- (10) Encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board.
- (11) Encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.
- (12) Give the Council its opinion on whether the authority is discharging its duty under section 116B of the 2007 Act.

### **3. Membership**

The rules on political proportionality do not apply to the Health and Wellbeing Board or to any sub-committees set up by it. The membership<sup>4</sup> of the Health and Wellbeing Board will be:

- (1) County councillors as nominated to the Council by the Leader of the Council;
- (2) The Leader of Oxfordshire County Council, instead of or in addition to (1), as the Leader may determine;
- (3) The Director for Social and Community Services;
- (4) The Director for Children, Education and Families;
- (5) The Director for Public Health;
- (6) One representative from the Local Healthwatch organisation for the county;

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<sup>4</sup> The membership is to be interpreted as the membership specified by Section 194 of the Health and Social Care Act 2012.



- (7) One representative from each relevant clinical commissioning group, with the proviso that such a member may represent more than one commissioning group with the permission of the Board;
- (8) A representative of the Thames Valley NHS Commissioning Group;
- (9) Such other persons, or representatives of such other persons, as the local authority thinks appropriate with the proviso that once the Board is established, the Board will be consulted before such appointments are made;
- (10) Such additional persons as the Health and Wellbeing Board may determine.

In addition, the Chief Executive of Oxfordshire County Council and the senior officer of the Oxfordshire Clinical Commissioning Group may also be in attendance.

#### **4. Chairing of meetings**

Meetings of the Board will be chaired by the Leader of the County Council and the Vice-Chairman will be the Chief Executive of the Clinical Commissioning Group. In the absence of either of these persons, the Board will elect a chairman for the duration of the meeting unless or until the Chairman or Vice-Chairman arrive in which case the Chairman or Vice-Chairman will preside as appropriate.

#### **5. Voting rights**

All members of the Board or of any sub-committee (or of any joint sub-committee of two or more such boards) shall be treated as voting members of the Board or sub-committee, unless the Council decides otherwise in any particular circumstance. In which case, before making such a direction, the Council must consult the Board. Notwithstanding this, service provider members of the Board will not have voting rights on the grounds of potential conflicts of interest.

Decisions will be taken by the majority of those present and voting and the Chairman of the Board (or sub-committee) will have a second or casting vote.

Notwithstanding the voting rights of members of the Board (or any sub-committee), the meeting will reach its decisions by consensus where possible.

#### **6. Validity of proceedings**

The Health and Wellbeing Board (and any sub-committees) will operate according to this Constitution and also according to the Terms of Reference for the Board itself.

A meeting of the Health and Wellbeing Board shall not be quorate unless at least a quarter of the voting members are present for the duration of the meeting.

As a committee of the Council, the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

## **7. Cabinet and Scrutiny**

The Cabinet may delegate functions to the Health and Wellbeing Boards and may receive recommendations from the Board.

The Health and Wellbeing Board is subject to scrutiny (but not to call-in except in respect of any functions delegated by the Cabinet) by the Council's Joint Health Overview and Scrutiny Committee and, as appropriate, the Council's Performance and Education Scrutiny Committees.

The Board may also ask a Scrutiny Committee or, with the relevant Portfolio Holder's permission, a Cabinet Advisory Group, to investigate issues relevant to both the Board and the committee or group.

The Board will make an annual report on its work to the Council, to Cabinet and to the Joint Health Overview and Scrutiny Committee.

## **8. Code of Conduct**

All voting members of the Board (and its sub-committees) are subject to the County Council's Members' Code of Conduct. This includes the requirement to register Disclosable Pecuniary Interests and to declare them, as appropriate at meetings. Should a member have an Disclosable Pecuniary Interest in a matter before the Board (or sub-committee), then the member (unless a dispensation has been received) should declare it and withdraw from the meeting, taking no part in the discussion or voting upon that item.

## **9. Substitution**

Members of the Board may arrange for a named substitute to attend on their behalf. However, any substitutes should reflect the seniority and status of the member making the substitution.

Decisions should not be taken other than by the properly constituted Board; this means that at least a quarter of the original voting membership of the Board should be present when decisions are made.

## **10. Transparency and openness**

The Health and Wellbeing Board will meet in public at least three times a year. The Board may meet informally, and not in public, at other times e.g. for purposes of brainstorming, board learning & development and workshops.

The public's rights of access to the Board's public meetings will be subject to the Access to Information Procedure Rules (Part 8.1 of the Council's Constitution). These make provisions for the giving of public notice of meetings, access to agendas, reports and minutes, the supply of copies of such papers, the inspection and purchase of background papers and the circumstances in which the public may be excluded from meetings by virtue of the consideration of confidential or exempt information.

In addition, the Freedom of Information Act 2000 gives a general right of access to information held by public authorities and will extend to information generated by, or for, the Board and held by any public authority.

## **11. Sub-committees and Informal Working Groups**

In establishing Partnership Boards and a Public Involvement Board, the Health and Wellbeing Board will be mindful of its powers to appoint one or more sub-committees to discharge of any of its functions, with certain conditions. The Board may also appoint advisory groups, working groups or informal 'task and finish groups' to make recommendations to it on any of its functions.

Appendix 1 sets out the provisions relating to the appointment of sub-committees and informal working groups and therefore to the appointment of any Partnership Boards and a Public Improvement Board.

## **Appendix 1**

### **1. Appointment of sub-committees**

The Health and Wellbeing Board may appoint sub-committees. The Board may appoint one or more sub-committees to discharge of any of its functions, with the following conditions:

- (1) Where any functions may be discharged by the Board under 3(2) above, by virtue of section 196(2) of the Health and Social Care Act 2012, (i.e. functions that are exercisable by the authority), then unless the Council otherwise directs, the Board may arrange for the discharge of those functions by a sub-committee of the Board, or an officer, or both.
- (2) Where the Board discharges functions by virtue of any other enactment that section 196(2) of the 2012 Act, then unless the Council directs otherwise, the Board may arrange for the functions to be discharged by a sub-committee of the Board.

In addition, the Board may appoint one or more sub-committees to advise the Board with respect to any matter relating to the discharge of the Board's functions.

The membership of any sub-committees will be for the Board to determine.

The sub-committees will operate according to this Constitution and also according to their Terms of Reference as established by the Board.

A meeting of the any sub-committee shall not be quorate unless at least a quarter of its voting members are present for the duration of the meeting.

As a sub-committee of the Council, the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

### **2. Appointment of advisory and informal working groups**

The Board may appoint one or more advisory groups, working groups or other such informal task and finish groups, to assist it with any of its functions. Such groups may make recommendations to the Board (or to the Cabinet or a Scrutiny Committee as appropriate) but no formal powers or duties of the Board may be delegated to them. The membership of such advisory or working groups will be for the Board to determine.

## Constitutional Amendments

### 1. Clarifications - General

<b>Constitution – sections</b>	<b>Change</b>	<b>Rationale</b>
Part 2, Article 4, Functions of full Council	Amend formally to delegate to the Joint Health Overview and Scrutiny Committee the power to make referrals to the Secretary of State about proposals where the JHOSC consider proposals for service change, or consultations, have been inadequate.	To remove bureaucracy and simplify the process of referrals to the Secretary of State re: health issues which would otherwise require formal notice to Council and referral to the Secretary of State by Council itself
Part 2, Article 12: Decision making	Add footnote to expand upon the defining the meaning of 'significant' for key decisions on revenue spending	To provide greater clarity as to the extent of application of 'significant' with regard to revenue spending
Part 3.1, para.10.1.1 Council Procedure Rules	Insert 'a minimum number of 10 persons' to constitute a valid petition to present to Council	Provides consistency with the Council's Petitions Scheme
Part 8.3, para.11 Table 1 Contract procedure rules	Amend the thresholds for authorised officers so that it is not only Directors and the Section 151 Officer who can authorise expenditure on goods and services exceeding £200,000	To enable greater flexibility in the delegation of authority to commit expenditure, in the interests of efficiency
Joint Health Overview and Scrutiny Committee	Insert their terms of reference and clarify that these now include the remit to review the work of the Health and Wellbeing Board	To reflect the role of Health Scrutiny in scrutinising the Health and Wellbeing Board following the latter's coming into full operation.

## Constitutional Amendments

### 2. Clarifications – Council Procedure Rules

Procedure Rule	Change
9: Duration of meeting	Harmonise with 5.1 to reflect that meetings will finish at 3.30 unless the Chairman, after consultation with Group Leaders, determines otherwise
10: Petitions	Clarify that “Any person may present a petition” under this section applies to members of the public (not members)
10.1.2: Location for making address	Clarify that it is for the Chairman to ‘determine’ the location in the Chamber from which addresses shall be given
10.3: Chairman’s discretion	Clarify that it is also the Chairman’s discretion to determine not just the length and order of petitions/addresses but ‘who speaks’
12.3.2: Notice of questions	Clarify the conditions under which Proper Officer can reject a question – to include a matter which is not within the powers and duties of the Council.
14.1.4: Suspension of procedure rules	Clarify that a motion can be put to suspend not just a specified procedure rule but ‘part thereof’
15.4.2: Length of speeches	Clarify that the time limit extensions for speaking at the February meeting apply only ‘when discussing the budget’.

**NB** A track-change version of the Council Procedure Rules will be available in the Members’ Resource Room should members wish to see it.

Division(s): N/A

## COUNTY COUNCIL – 2 APRIL 2013

### REPORT OF THE CABINET

#### ***Cabinet Member: Leader***

#### **1. 2011/12 Financial Monitoring & Business Strategy Delivery Report October 2012** (*Cabinet, 18 December 2012 and 26 February 2013*)

Cabinet considered two reports that focused on the delivery of the Directorate Business Strategies which were agreed as part of the Service and Resource Planning Process for 2012/13 – 2016/17. Parts 1 and 2 included projections for revenue, reserves and balances as at the end of October 2012 and December 2012 respectively. The Capital monitoring was included at Part 3.

At both meetings Cabinet approved virement requests and noted the Treasury Management lending list.

In December Cabinet approved the use of £0.100m revenue funding towards the capital project at the Littlemore Early Intervention Hub and agreed the creation of new reserves and the proposed changes to existing reserves.

In February Cabinet approved charges for Heritage Service and Oxfordshire Customer Services; and approved the use of £0.380m of the Efficiency Reserve in 2013/14 to fund the development of improved and joined up technical solutions for paying for journeys across Oxfordshire and beyond and to allow the Councillor Community Budget to be extended for another year.

#### **2. The Council's Role as Accountable Body for Oxfordshire Local Enterprise Partnership - Growing Places Fund Memorandum of Understanding** (*Cabinet, 26 February 2013*)

Oxfordshire Local Enterprise Partnership was established in 2011 with the aim of creating private sector jobs and removing barriers to business growth. It is a partnership between the business community and local government that operates as an unincorporated association. The governance structure comprises an Executive Board, Programme Sub-groups and the Forum. The Executive Board is responsible for preparing an annual business plan on behalf of the Partnership and for ensuring that its agreed priorities are taken forward.

Cabinet approved the Memorandum of Understanding with the Oxfordshire Local Enterprise Partnership in relation to the Council's role as accountable body for the allocation and distribution of government funds allocated to/via Oxfordshire Local Enterprise Partnership and authorised the Chief Finance Officer to approve loan applications recommended by the Executive Board of

the Oxfordshire Local Enterprise Partnership and to enter into appropriate legal agreements on behalf of Council.

***Cabinet Member: Deputy Leader***

**3. Staffing Reports Quarters 3**

*(Cabinet 26 February 2013)*

Cabinet received a report that gave an update on staffing numbers and related activity during the period 1 October 2012 to 31 December 2012. It gave details of the agreed staffing numbers and establishment at 31 December 2012 in terms of Full Time Equivalents. In addition, the report provided information on vacancies and the cost of posts being covered by agency staff. The report also tracked progress on staffing numbers since 1 April 2010 as the Council implements its Business Strategy.

**4. Future Devolved Governance: Local Transport Board**

*(Cabinet, 29 January 2013)*

Cabinet considered two reports on proposals from the Department of Transport to devolve local major scheme funding to functional economic areas and the requirement to establish a Local Transport Board with a detailed Assurance Framework, which set out the governance and working arrangements, to manage the capital grant that will be received should the County Council opt to become the accountable body.

In January Cabinet supported the proposals and agreed to seek views on the Assurance Framework from District Councils, the Oxfordshire Local Enterprise Partnership (LEP), the SEMLEP, Network Rail, Highways Agency and the public transport operators. In February Cabinet considered those views and the amended Assurance Framework including a request from Oxfordshire LEP for two representatives on the Board.

Cabinet agreed the amended Assurance Framework, the request from Oxfordshire LEP for two representatives on the Local Transport Board and that the Director of Environment & Economy, in consultation with the Deputy Leader, be authorised to develop the Scheme Prioritisation Process and progress the Assurance Framework.

**5. Corporate Plan Performance And Risk Management Report For Quarters 2 and 3 2012/13**

*(Cabinet 18 December 2012 and 16 March 2013)*

Cabinet noted the quarterly performance monitoring reports against the Corporate Plan priorities for Quarters 2 and 3, 2012/13.

**6. Witney Transport Infrastructure**

*(Cabinet 19 March 2012)*

Cabinet considered a report that sought endorsement for the programme of investment in transport infrastructure in Witney in support of the proposals in



the draft West Oxfordshire Local Plan and in particular approval to proceed with delivery of Phase 1 of the investment programme (delivery of the Ducklington Lane/Station Lane junction improvement).

:

Endorsed the programme and approved in principle Phase 1 of the investment programme (delivery of the Ducklington Lane/Station Lane junction improvement) and agreed to the use of S106 funds held by the County Council to enable its delivery at the earliest opportunity.

### ***Cabinet Member: Adult Services***

#### **7. Procurement of Healthwatch Oxfordshire**

(Cabinet 18 December 2012)

Cabinet considered a report that set out the procurement and commissioning process for a Local Healthwatch by April 2013. Local Healthwatch will be the new independent consumer champion for people of all ages using social care, and patients using health services.

Cabinet agreed to delegate decision-making for the contract award and funding allocation to John Jackson, Director for Social and Community Services in consultation with the Cabinet Member for Adult Services.

#### **8. Day Opportunities and Transport Charging Model**

(Cabinet 29 January 2013)

Cabinet considered a report that provided details of a consultation that took place on day opportunities and the transport charging model; it included who took part, stakeholder feedback, comments and suggestions. The report gave a financial summary of the implications of the proposals and Cabinet agreed the recommendations with regards to the proposed increases of charges.

#### **9. Care Home Fees**

(Cabinet 29 January 2013 2012)

The Council has a statutory duty to make arrangements for persons aged 18 or over who it assesses are in need of care and attention which is not otherwise available to them. Consequently the Council pays for approximately 1,700 older people in care homes for older people at any one time, at a cost of circa £48m per annum. Each year the Council set a rate for care home fees.

Cabinet agreed a report that proposed that the Banding System for Care Home Fees in Oxfordshire be simplified. In particular for 2012/13 they confirmed the 3% uplift agreed as an interim payment for all existing and new placements in care homes from April 2012 and revised the target banding rates from April 2013 including the deletion of the Residential-Substantial

Target Banding Rate and the Nursing - Substantial Target Banding Rate. Cabinet further agreed to consult the care home providers in Oxfordshire on the target banding rates and to review the Equality Impact Assessment once the outcome of the consultation is known.

**10. Developing the Project Agreement with the Oxfordshire Care Partnership**

*(Cabinet 29 January 2013 2012)*

Cabinet agreed an exempt report that set out proposals for developments in the relationship that the Council has with the Oxfordshire Care Partnership for the provision of services for the care and support of older people in Oxfordshire.

***Cabinet Member: Education***

**11. Expansion Proposal to Alter the Lower Age Range at Three Oxfordshire Primary Schools**

*(Cabinet, 26 February 2013)*

Cabinet approved the publication of linked statutory notices for closure of Five Acres Nursery School and for the extension of age range at Five Acres Primary School to 3-11; and approved the publication of linked statutory notices for closure of John Hampden Nursery School and for the extension of age range at John Hampden Primary School to 3-11.

Cabinet noted that following the start of public consultation the Governing Body of West Kidlington Primary and Nursery Schools took the decision not to proceed with the proposal, in order to look in more detail at potential other options available to them.

**12. Statutory Notice: Proposal to Expand Windmill Primary School, Oxford**

*(Cabinet, 19 March 2013)*

Cabinet approved the expansion of Windmill Primary School by the permanent increase of the school admission number from 60 to 90 with effect from 1 September 2013.

*Note: As set out under Rule 18(a) of the Scrutiny Procedure Rules, this decision is exempt from Call-In as it is deemed urgent and any delay would seriously prejudice the Council's interests, in that the Cabinet's role would be negated by referral to the Schools' Adjudicator if the decisions were not taken within two months of the end of the Statutory Notices, in this case being 6 April 2013.*

**13. Stage Two Statutory Notice Proposal to Alter the Lower Age Range at St Gregory the Great Catholic School, Oxford**

*(Cabinet, 19 March 2013)* Page 48

Cabinet approved the alteration of the lower age range of St Gregory the Great Catholic School to reception year age 4 years, with effect from 1 September 2013.

*Note: As set out under Rule 18(a) of the Scrutiny Procedure Rules, this decision is exempt from Call-In as it is deemed urgent and any delay would seriously prejudice the Council's interests, in that that St Gregory the Great Catholic School is due to become an Academy on 1 April 2013 and the process to change the age range needs to be completed by that date.*

**14. Stage Two Statutory Notice Proposal for Change of Category for Bletchingdon Parochial CE Primary Schoolies**  
(Cabinet 19 March 2013)

Cabinet approved the change of category of Bletchingdon Parochial CE Primary School to Voluntary Aided with effect from 1 April 2013.

***Cabinet Member: Growth & Infrastructure***

**15. West Oxfordshire District Council Core Strategy**  
(Cabinet, 18 December 2012)

Cabinet agreed the County Council's proposed response to the West Oxfordshire Local Plan which sets the framework for development across West Oxfordshire for the period to 2029.

**16. Oxfordshire Residual Municipal Waste Bulking and Haulage Procurement**  
(Cabinet 18 December 2012)

Cabinet agreed the award of contracts for the provision of residual municipal waste bulking and haulage services as follows;

- (a) Lot 1 northern part of Cherwell to Grundon Waste Management on the basis of their variant 2 tender ;
- (b) Lot 2 South Oxfordshire and Lot 3 Vale of White Horse to FCC Waste Services (UK) Limited on the basis of their variant 2 tender; and
- (c) Lot 4 West Oxfordshire to FCC Waste Services (UK) Limited on the basis of their compliant tender.

**17. South West Bicester New Primary School – Funding Agreement**  
(Cabinet 29 January 2013)

Cabinet authorised officers to enter into a funding agreement with the Diocese of Oxford for their direct delivery of a school construction project and enabled transfer in stages of a maximum capital grant of £6.664m from S106 resources forward funded from the Council's capital programme reserve,

having deducted any direct costs incurred by the County Council in supporting delivery of the project.

**18. Oxford City Draft Charging Levy (Community Infrastructure Levy (CIL)) Consultation Response**

*(Cabinet 26 February 2013)*

Cabinet approved the County Council's response to the Oxford Draft Community Infrastructure Levy Schedule.

**19. Joint Municipal Waste Management Strategy 2012**

*(Cabinet 16 March 2013)*

In 2007 Oxfordshire Waste Partnership agreed a Joint Municipal Waste Management Strategy and action plan. The Strategy is a high level policy document and commits to a five-yearly review to ensure that it remains current. In 2012/13 a review of the Strategy was carried out and an updated document has been produced and consulted upon. At the January 2013 meeting of the Partnership, the refreshed document was agreed and signed off. It now needs to be adopted by each partner council.

Cabinet adopted the revised Oxfordshire Waste Partnership Joint Municipal Waste Management Strategy and delegated authority to the Director for Environment and Economy to authorise a necessary financial arrangement deed of variation in consultation with the Leader.

***Cabinet Member: Police & Policies***

**20. Equality Policy 2012-17: Annual Update**

*(Cabinet 29 January 2013)*

Cabinet agreed the first update on the 'Equality Policy 2012-2017' and agreed to the adjustment of the reporting timetable for future updates.

**21. Equality Cherwell District Council - Property Asset Transactions**

*(Cabinet 26 February 2013)*

Cabinet approved the sale of eight County Council owned properties to Cherwell District Council. The properties would be sold below market value because Cherwell District Council was providing the County Council nomination rights in perpetuity for 22 supported housing units: the revenue savings arising from this arrangement offsetting the shortfall in capital receipts.

**22. Bayards Hill Primary School - Redevelopment Project**

*(Cabinet 16 March 2013)*

Cabinet considered a report that sought Stage 2 Full Business Case approval to award a contract for construction/ refurbishment to Bayard's Hill Primary School within an approved budget figure of £6.6 million.

The need for Bayard's Hill Primary School to operate as a 2FE Primary School (Admission Number 60) is one part of the county council's strategy to meet the need for primary school places in Oxford.

Cabinet approved the Stage 2 Full Business Case up to the financial limit of £6.66m and authorised the Director of Environment and Economy, to approve letting of the construction contract within the agreed financial limit.

***Cabinet Member: Safer & Stronger Communities***

**23. Community Risk Management Planning Strategy (CRMPS) 2013-2018 & Community Risk Management Action Plan (CRMP) 2013-2014**

*(Cabinet 26 February 2013)*

Cabinet considered a report that summarised consultation on the Community Risk Management Plan (CRMP) and subsequent changes to the plans.

Cabinet also considered the 2013-14 CRMP action plan (detailing specific projects related to the strategic analysis work). Projects included:

- To implement the Service's Road Safety strategy as an integral part of its prevention and protection activities
- To deliver the Thames Valley Fire Control Service (TVFCS) programme

**IAN HUDSPETH**

Leader of the Council

March 2013

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**AUDIT &  
GOVERNANCE  
COMMITTEE  
ANNUAL REPORT  
2012**



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## Chairman's Introduction

Welcome to the first annual report of Audit and Governance Committee.

The Audit and Governance Committee first met in July 2012. Previously known as the Audit Committee it was renamed in May 2012 following a decision by the Council to reshape the standards arrangements for Oxfordshire County Council in response to the Localism Act 2011. The decision included the cessation of the Council's Standards Committee with the responsibility for the overview of members' standards transferring to the newly named Audit and Governance Committee.

This report sets out the role of the Audit & Governance Committee, and summarises the work we have undertaken as a Committee, (including the Audit Committee) and through the support of the Audit Working Group in 2012.

The Audit and Governance Committee performs an essential role, and we continue to have a strong presence, working with officers and members to ensure good governance and a strong system of internal control are being promoted and applied. This is crucial in supporting the organisation as it continues to tackle the challenges of organisational change and significant funding pressures.

An important part of being effective as an Audit and Governance Committee is the relationship with both our Internal and External Auditors. We continue to have a strong working relationship with both. In my role as Chairman and Risk Management Champion I meet regularly with the Chief Internal Auditor and the Senior Policy and Performance Officer to discuss local issues to ensure the focus of the work programme is relevant.

I am very pleased to report that the Committee continues to receive good support from both Officers and Cabinet Members; we also encourage representation from the Strategy and Partnership Scrutiny Committee at our meetings to provide an insight into areas that may be of interest to the Audit Committee arising from their work and vice versa.

Finally I should like to take this opportunity to give my personal thanks to Ian Dyson Chief Internal Auditor, Geoff Jones Chairman of the Audit Working Group, my Vice Chairman Cllr Charles Mathew and without exception, all fellow Committee members who have contributed and supported the work of the Committee in such a meaningful and positive way throughout the past year.

**COUNCILLOR DAVID WILMSHURST**  
Chairman, Audit & Governance Committee

## Role of the Audit and Governance Committee

The Audit and Governance Committee operates in accordance with the “Audit Committees, Practical Guidance for Local Authorities” produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) in 2006. The Guidance defines the purpose of an Audit Committee as follows:

“ to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority’s financial and non-financial performance to the extent that it affects the authority’s exposure to risk and weakens the control environment, and to oversee the financial reporting process.”

The key functions of the Audit and Governance Committee are defined within the Council’s Constitution; the relevant extract is attached as Annex 1 to this report. In discharging these functions the Committee is supported by the Audit Working Group, their terms of reference are attached as Annex 2 to this report.

## Key Activities

In this section the activities of the Committee in 2012, including the Audit Working Group, are summarised under the headings of the key functions. Achievements and improvements to which the Audit and Governance Committee has contributed are highlighted.

### Internal Control

The 2011/12 Annual Governance Statement was agreed by the Committee, and included eight areas for action to improve existing governance arrangements. The Committee actively monitors progress with the implementation of these actions.

The Committee has also reviewed the AGS process, and this highlighted a concern regarding the visibility to the Committee of issues arising from external inspections. This has resulted in a change to the reporting process where governance issues identified by external inspection agencies will be reported on a timely basis, and not just at the year-end as part of the AGS.

In 2012 the Committee continued to monitor the performance of income generated from the Fairer Charging process up to May 2012. In May the Committee received assurances from officers that performance to acceptable levels was now being achieved; and, from the Cabinet Members that they are being kept informed of performance issues. Following this assurance the Committee was happy with the position, so agreed to cease the regular monitoring.

In response to Internal Audit and Risk Management reports the Committee has looked in detail at the following areas:

E&E Risk Management  
Financial Administration in Local Offices  
Property Leases  
Accounts Payable  
Adult Social Care Management Control Process  
Contract Management - Home to School Transport  
Highways Contract  
Personal Budgets

The Committee has received regular reports on the status of management actions in these areas. In the case of Accounts Payable, a project was established to look at the purchase to pay processes, in part to address the control weaknesses highlighted by Internal Audit, but also to review existing systems and procedures to ensure they are efficient and effective. That project is due to be concluded in May 2013, and the Committee has received regular briefings on progress.

### Key Achievements

- **Material weaknesses identified in key controls with managers supported by the Committee in developing effective actions to address the issues.**

- **Monitoring of management actions applied by the Committee to ensure that significant weaknesses in the system of internal control are being prioritised.**

#### **Key Areas of Focus Looking Forward to 2013**

- **Maintaining effective governance and internal control**

### **Risk Management**

2012 has seen development in the way that risk is being managed at a directorate level. The Joint Commissioning Service has been created across Children, Education and Families and Social & community Services, with a single Performance and Information Team, responsible for performance and risk management working across the two Directorates. Similarly there is a single performance and risk management team working across Environment and Economy and Oxfordshire Customer Services.

The Committee has been monitoring the adequacy and effectiveness of the system of risk management through the routine reporting by the Senior Policy Officer to the Audit Working Group. This resulted in the AWG undertaking a more detailed review of the project risk management process within Environment and Economy, and this highlighted some areas for improvement which management has taken on board, including risk management training for staff. The internal audit reports across all directorates are also highlighting that issues arising from 'business as usual' processes are not being picked up early enough through the management control procedures, suggesting that these risks are not getting the right focus.

The Council commissioned a 'health check of our approach to risk management, carried out by Zurich. The results were considered by the Committee in November 2012. The findings highlighted that 'Leadership' is considered a strength, but there were several recommendations relating to improving the risk management strategy and processes. Officers will be reviewing the current strategy in conjunction with CCMT, and the Committee is expecting to receive a report on changes being made in spring 2013.

#### **Key Achievements**

- **Plans for improvement to E&E project risk management.**
- **Positive health check by Zurich**

#### **Key Areas of Focus Looking Forward to 2013**

- **The implementation of a revised risk management strategy in 2013/14.**

### **Internal Audit**

The Audit and Governance Committee with the assistance of the Monitoring Officer completed the annual review of the effectiveness of the System of Internal Audit, and concluded it was acceptable. To inform our opinion we met with the Chief Internal Auditor in a private session and were satisfied that he is able to conduct his duties effectively without restriction or undue influence.

We approved the Internal Audit Strategy for 2012/13, and the quarterly Internal Audit Plans, which gives members the opportunity to challenge and influence the plan where the Committee has identified areas of concern.

The reports of the Chief Internal Auditor to both the Audit and Governance Committee and also the Audit Working Group has enabled emerging issues arising from Internal Audit activity to be considered on a timely basis, including where appropriate working with the Senior Officers to seek assurance that matters are being dealt with promptly and effectively.

During 2012, Internal Audit introduced a new action tracking system, which is used to produce performance reports to the AWG. The implementation has been successful, and has resulted in an improved performance.

#### **Key Achievements**

- **Implementation of the 4Action action tracking system, resulting in improved performance on the number of actions implemented**
- **Earlier engagement with management to ensure areas of unacceptable control is addressed. In 2012 we have continued to respond promptly to Internal Audit reports with "Unacceptable" conclusions and have met with senior managers to get assurance that prompt actions are taken; E&E Highways Contract, Home to School Transport Contracts, Property Leases, Financial Administration in area offices; SCS Adult Social Care Management Controls, Personal Budgets; Accounts Payable.**

#### **Key Areas of Focus Looking Forward to 2013**

- **Resources in the in house team remains low, with reliance on use of contract staff, which although successful in 2012, the strategy remains to have skills in house.**

#### **External Audit**

During 2012 we have overseen a change in our external auditors, with the Audit Commission leaving us in September 2012, replaced by Ernst and Young; however, whilst the organisation has changed the Committee was very pleased to note that the core staff have remained on the OCC contract. This should ensure continuity and minimise the impact on officers. The External Auditors routinely attended committee meetings in 2012. This enabled the Committee to forge a good working relationship with the Auditors. The Committee also met with the External Auditors in a private session and are satisfied they are free to carry out their duties without restrictions. We are also assured that if identified they would bring any material issues to the attention of the Committee.

#### **Key Achievements**

- **Very positive audit reports, in particular the Audit of the Statement of Accounts which once again identified no material issues or matters of concern.**

#### **Key Areas of Focus Looking Forward to 2013**

- **Maintaining a strong working relationship with Ernst and Young**

### **Anti-Fraud and Corruption**

The Audit Committee receives regular updates from the Chief Internal Auditor on any matters of fraud and corruption. The Committee has also approved the Counter-Fraud plan.

We received a report on Whistleblowing from the Monitoring Officer, that highlighted there have been very few cases. The Council has a strong system of internal control so it is not unexpected there is very little fraud identified; however nationally statistics show that fraud is on the increase, so it is important that we all remain vigilant.

#### **Key Achievements**

- **Good governance and strong System of Internal Control that is effective in minimising the risk of fraud.**

#### **Key Areas of Focus Looking Forward to 2013**

- **Review of the fraud risk assessment**
- **Proactive testing of fraud risk areas**

### **Annual Accounts Process**

The 2011/12 Accounts were prepared on time and presented to the Committee for comment. The Committee then received the External Auditors report in September 2012 when it was very pleased to note there was one again no material issues.

#### **Key Achievements**

- **Once again the Audit of the Statement of Accounts found no material issues.**

#### **Key Areas of Focus Looking Forward to 2013**

- **Maintaining the current high standards.**

## **Treasury Management**

The Committee reviewed the risk management process for Treasury Management, in conjunction with the Treasury Management Strategy. The Committee was happy with the process and the strategy.

The Committee also received a mid-term progress report and the annual report. There were no issues or concerns arising.

### **Key Achievements**

- **Oversight of the Treasury Management Process including detailed review of the risk management**

### **Key Areas of Focus Looking Forward to 2013**

- **Maintaining current high standard.**
- **Successful implementation of the Lloyds Link online system.**

## **Standards for Members**

The Committee has not had to discharge its new role in respect of standards as there have been no cases referred.

Included in the terms of reference of this Committee is the responsibility "to grant dispensations to councillors and co-opted members from requirements relating to interests set out in the code of conduct for members". The Committee received a report at the July meeting setting out arrangements for dealing with such instances which are consistent with the Council's code of conduct for members and the Localism Act 2011.

## **Membership, Meetings & Attendance**

### **Audit and Governance Committee**

The Audit Committee comprises of nine elected members representing all political parties and a Co-opted Member, Dr Geoff Jones. There were changes to the membership during 2012; In May 2012, Cllr Sandy Lovatt, Cllr Tony Crabbe and Cllr Alan Armitage moved off the committee, replaced by Cllr Jim Couchman, Cllr Ray Jelf and Cllr Roz Smith; and, in September 2012, Cllr Caroline Newton replaced Cllr Charles Shouler. Membership of the Committee at the end of 2012 was as follows:

Cllr David Wilmshurst (Chairman), Cllr Charles Mathew (Vice Chairman)  
Cllr Roz Smith, Cllr Roy Darke, Cllr Larry Sanders, Cllr Jim Couchman,  
Cllr Lawrie Stratford, Cllr Caroline Newton, Cllr Ray Jelf, Dr Geoff Jones (Co-opted).

The Audit Working Group, chaired by Dr Jones, comprises three elected members; Cllr. Wilmshurst, Cllr. Mathew, and Cllr. Smith, plus officers. Papers for the Audit Working Group are circulated in advance to all members of the Audit and Governance Committee. All members of the Committee can attend the working group meetings.

### **Other Members**

The Committee was grateful for the regular attendance and contribution by the Cabinet Member for Finance and Property.

### **Officers**

The Audit and Governance Committee continues to be well supported by Officers, providing reports either in accordance with the Committee's work programme, or at the request of the Committee. In 2012 the Assistant Chief Executive & Chief Finance Officer or the Deputy Chief Finance Officer, the County Solicitor & Monitoring Officer, and the Chief Internal Auditor routinely attended the meetings. These same officers along with the Performance and Review Officer also attended the Audit Working Group meeting.

### **External Audit**

The External Auditors, the Audit Commission up to September 2012, and thereafter Ernst and Young, attended all the Audit and Governance Committee meetings.

### **Meetings**

The Audit and Governance Committee met seven times in 2011 and the Audit Working Group met five times. Work programmes are used by both the Audit Committee and the Audit Working Group to ensure requirements of the Committee are fulfilled. The programmes are reviewed with officers at each meeting and added to when appropriate to ensure ad-hoc investigations instigated by the Committee are reported.



## ANNEX 1 - Audit & Governance Committee Functions

The following are the functions of the Audit & Governance Committee extracted from the Constitution – Part 2 Article 8 Section 1(a).

1. The functions in relation to the approval of the statement of accounts etc specified in Paragraph 45 in Section I of Schedule 1 to the Functions Regulations including the Annual Governance Statement (including Statement on Internal Control).
2. To monitor the risk, control and governance arrangements within the Council, together with the adequacy of those arrangements and those of others managing Council resources:
  - to ensure compliance with relevant legislation, guidance, standards, codes and best practice, whether external or internal;
  - to provide assurance on the effectiveness of those arrangements both generally and for the purposes of the Annual Governance Statement, including arrangements for reporting significant risks; and
  - to ensure coordination between internal and external audit plans to maximize the use of resources available as part of a total controls assurance framework;
  - and to draw to the attention of the appropriate Scrutiny Committee any issues which in the Committee's view would benefit from a scrutiny review or further investigation.
3. To consider and comment on the Council's External Auditor's annual work plan, the annual audit letter and any reports issued by the Audit Commission or the Council's External Auditor. Where issues affect the discharge of executive functions, to make recommendations as appropriate to the Cabinet, and where any issues affect the discharge of non-executive functions, to make recommendations to the appropriate Council Committee.
4. To systematically monitor:
  - the performance and effectiveness of Internal Audit Services processes within the Council, including undertaking an annual review using key performance indicators e.g. client satisfaction, percentage of plan completed, percentage of non-chargeable time;
  - the strategic Internal Audit Services Plan and annual work plan, advising on any changes required to ensure that statutory duties are fulfilled;
  - resourcing for the service, making recommendations to the Cabinet and Council on the budget for the service; and
  - arrangements for the prevention and detection of fraud and corruption;

- the system for Treasury Management;

and to draw to the attention of the appropriate Scrutiny Committee any issues which in the Committee's view would benefit from a scrutiny review or further investigation.

5. To promote high standards of conduct by councillors and co-opted members.
6. To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the code of conduct for members.
7. To receive report from member-officer standards panels appointed to investigate allegations of misconduct under the members' code of conduct.
8. To advise the Council as to the adoption or revision of the members' code of conduct.
9. To implement the foregoing in accordance with a programme of work agreed by the Committee annually in advance, and to report to the Council on the Committee's performance in respect of that programme.

## **ANNEX 2 - Audit Working Group Terms of Reference**

### **Membership**

The Audit Working Group shall comprise of:-

the independent member of the Audit and Governance Committee who will chair the Group, together with three members of the Audit and Governance Committee, one of whom shall be the Chairman of the Committee. There will also be three named members of the Audit and Governance Committee who will deputise as required.

The Assistant Chief Executive & Chief Finance Officer, the Monitoring Officer and Head of Law and Governance, the Chief Internal Auditor, and the Corporate Performance & Review Manager, or their representatives shall attend the Group meetings.

Members of the Group and their deputies should have suitable background and knowledge to be able to address satisfactorily the complex issues under consideration and should receive adequate training in the principles of audit, risk and control.

All members of the Audit and Governance Committee can attend Audit Working Group Meetings as observers.

### **Role**

The Audit Working Group shall:

act as an informal working group of the Audit and Governance Committee in relation to audit, risk and control to enable the Committee to fulfil its responsibilities effectively in accordance with its terms of reference (Part 2 Article 8 Section 1a of the Constitution);

routinely undertake a programme of work as defined by the Audit and Governance Committee;

consider issues arising in detail as requested by the Audit and Governance Committee;

receive private briefings on any matters of concern;

at least annually hold a private session with the External Auditors not attended by any officers, and a further private session on Internal Audit matters with the Chief Internal Auditor only.

## **Reporting**

The Assistant Chief Executive & Chief Finance Officer will report to the Audit Committee on matters identified by the Group following consultation with the Chairman and members of the Group.

## **Meeting**

The Group shall meet regularly in cycle with the Audit Committee.

The Group may invite any officer or member of the Council to attend its meetings to discuss a particular issue and may invite any representative of an external body or organisation as appropriate.

## **Confidentiality**

The Group will meet in private to allow full and frank consideration of audit, risk and control issues.

All matters discussed and papers submitted for the meetings including minutes of the previous meeting must be treated as confidential. Papers will be circulated in advance to all members of the Audit Committee for information whether attending the Group or not.

Where any other member wishes to inspect any document considered by the Group and believes that s/he has a 'need to know' as a County Councillor, the procedure in the Council's Constitution relating to Members Rights and Responsibilities (Part 9.3) shall apply.

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Review Date.....February 2014

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