



# County Council

23 March 2021

## Agenda

*If you wish to view proceedings, please click on this [live stream link](#).  
However, that will not allow you to participate in the meeting.*

## 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 Glenn Watson on **07776 997946** or [glenn.watson@oxfordshire.gov.uk](mailto:glenn.watson@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, 23 March 2021 at 10.00 am**

**Virtual**



Yvonne Rees  
Chief Executive

March 2021

Committee Officer: **Deborah Miller**  
Tel: 07920 084239; E-Mail: [deborah.miller@oxfordshire.gov.uk](mailto:deborah.miller@oxfordshire.gov.uk)

*Due to the current guidelines regarding social distancing this meeting of the County Council will be held remotely. Normally requests to speak at a public meeting are requested by 9 am on the preceding day to the published date of a meeting. However, during the current situation and to facilitate these new arrangements we are asking that requests to speak are submitted by 9am four working days before the meeting i.e. 9 am on Wednesday 17 March 2021 together with a transcript of your presentation emailed to [deborah.miller@oxfordshire.gov.uk](mailto:deborah.miller@oxfordshire.gov.uk)*

*If you wish to view proceedings, please click on the live stream link on the front page of the Agenda. However, that will not allow you to participate in the meeting.*

*In order to comply with the Data Protection Act 1998, notice is given that this meeting 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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## **AGENDA**

### **1. Minutes (Pages 1 - 8)**

To approve the minutes of the meeting held on 9 February 2021 (**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**

*This Council meeting will be held virtually in order to conform with current guidelines regarding social distancing. Normally requests to speak at this public meeting are required by 9 am on the day preceding the published date of the meeting. However, during the current situation and to facilitate these new arrangements we are asking that requests to speak are submitted by no later than 9am four working days before the meeting i.e. 9 am on 17 March 2021. Requests to speak should be sent to [Deborah.miller@oxfordshire.gov.uk](mailto:Deborah.miller@oxfordshire.gov.uk) together with a written statement of your presentation to ensure that if the technology fails then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting.*

*Where a meeting is held virtually and the addressee is unable to participate virtually their written submission will be accepted.*

*Written submissions should be no longer than 1 A4 sheet.*

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

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

## **9. Report of the Cabinet (Pages 9 - 12)**

Report of the Cabinet Meetings held on 15 December 2020, 19 January 2021 and 23 February 2021 (**CC9**).

## 10. Governance Review (Pages 13 - 18)

Report by the Director of Law & Governance and Monitoring Officer (**CC10**).

Under the Constitution, the Monitoring Officer is required to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect. This includes making recommendations to Council on any necessary amendments. The report before Council seeks the approval of one change. It also seeks approval for a proposed way forward for reviewing the Constitution.

***Council is RECOMMENDED to approve:***

- (a) the proposed amendment (at paragraph 8) to bring the definition of a Key Decision into the main body of the text with the addition of consultation arrangements for Key Decisions taken by officers;***
- (b) the proposal that the Monitoring Officer should bring forward proposals to the Audit & Governance Committee, after the May 2021 County Council elections, in the 4th cycle of the meetings for that Committee, for achieving a full review of the structure and content of the Constitution.***

## 11. Changes to Constitution of the Pension Fund Committee (Pages 19 - 22)

Report by Director of Finance (**CC11**).

As part of an Independent Governance Review of the Pension Fund, Hymans Robertson recommended changes to the constitution of the Pension Fund Committee. The main driver for the recommended changes was to improve the representation of Scheme Employers on the Fund, whilst maintaining the majority position of the County Council as the Administering Authority. This is consistent with best practice guidance from the LGPS Scheme Advisory Board. The changes also result in a reduction of 2 in the total membership which should facilitate ensuring all Committee members have the requisite skills and knowledge to undertake their responsibilities on the Committee and improve the effectiveness of the Committee. The Pension Fund Committee at its meeting supported the proposals and recommended that these should be in place before the formation of the new Pension Fund committee following the May elections.

***Council is RECOMMENDED to agree the changes to the constitution of the Pension Fund Committee as follows:***

- 5 County Council Representatives selected in accordance with the political balance of the Council. These would form the only voting members of the new Committee***
- 2 Academy School Representatives – non-voting***
- 1 Oxford Brookes University Representative – non-voting***
- 1 District Council Representative – non-voting***
- 1 Scheme Member Representative – non-voting.***

## 12. Health Scrutiny Arrangements for Oxfordshire (Pages 23 - 38)

Report by the Director for Law & Governance and Monitoring Officer (**CC12**).

In 2020 both Oxfordshire Joint Health Overview and Scrutiny Committee and Oxfordshire's Council approved in principle Terms of Reference for a new health overview scrutiny committee which will scrutinise system-wide health issues across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) area.

The report seeks Council's approval of revisions to those Terms of Reference, which were proposed jointly at a meeting of HOSC Chairs and scrutiny officers in the relevant 5 BOB local authorities on 5 February 2021. The revised Terms of Reference were approved by the Oxfordshire Joint Health Overview and Scrutiny Committee at its meeting on 12 March 2021.

***The Council is RECOMMENDED to approve:***

- (a) ***the revisions to the draft Terms of Reference for a health scrutiny committee for health system-wide issues across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) area;***
- (b) ***a delegation from Council to enable the Monitoring Officer, in consultation with the Chairman and Deputy Chairman of the Oxfordshire Joint Health Overview and Scrutiny Committee, to make minor changes to the Terms of Reference after 23 March 2021 should other BOB councils request them as part of their own approval process.***

## 13. Interim Arrangements for taking Emergency Decisions immediately following the County Council Elections (Pages 39 - 40)

Report by the Director for Law & Governance and Monitoring Officer (**CC13**).

The report seeks approval to a temporary variation to the delegated powers of the Chief Executive to aid effective decision making in the period between the retirement of councillors following the elections in May and the Annual Council meeting on 18 May 2021.

***Council is RECOMMENDED to agree a temporary variation to Part 7.1 of the Constitution Specific Powers and Functions of Particular Officers with effect that from 10 May to 18 May 2021 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 and the Leader, as appropriate.”***

## 14. Members Code of Conduct - Decision Notice (Pages 41 - 44)

Report by the Director for Law & Governance and Monitoring Officer (**CC14**).

The report notifies Full Council of a decision by the then Interim Monitoring Officer on the outcome of a Member Code of Conduct complaint, following the meeting of a Members' Advisory Panel in December last year.

***The Council is RECOMMENDED to note the decision of the Interim Monitoring Officer with regard to a Members' Code of Conduct Complaint concerning Cllr Liam Walker.***

## **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*

### **15. Motion by Councillor Deborah McIlveen**

“This Council notes that the National Domestic Abuse Helpline received over 40,000 calls and contacts during the first three months of the Covid-19 lockdown [BBC July 2020].

Domestic Violence is common and overwhelmingly impacts women and girls globally, nationally and in Oxford as well as children and men. Domestic violence impacts on workplaces and communities and is a significant cost to the public purse.

This Council recognises that:

- The Covid pandemic, lockdowns and restrictions make it more difficult for survivors to seek help;
- Local authorities have a duty of safety to their employees and residents using services and are working to stop domestic violence.

This Council resolves to:

- Review the Corporate Domestic Violence Policy that applies to service delivery and employment for Oxfordshire County Council, support implementation with training and monitor and review annually.
- Work with partner agencies, communities and trade unions to promote measures to increase the safety of those experiencing domestic violence.
- Provide information on how to help friends, family and colleagues experiencing domestic abuse.
- Campaign and lobby for increased sustainable funding from central government for organisations working with victims and survivors, especially services for BAME communities that are underfunded.”

### **16. Motion by Councillor Richard Webber**

“The Council’s Procurement procedures have been the subject of concern for some time. At the latest Audit and Governance Committee meeting, the subject of a claim made over a breach of Procurement procedures by the Council was considered. This breach of procedure has cost the Council, and hence Oxfordshire taxpayers, £1.6 million in compensation and legal costs.

Council notes that the role of the Audit & Governance Committee is to ensure that the Council's procedures are robust, that taxpayer's money is controlled properly and

that it is spent wisely.

The timeline provided to the Audit and Governance Committee meeting on this matter shows that the Portfolio Holder and the Chair of Audit and Governance were both aware of the breach and cost of court settlement in February 2020, but the Committee was only informed in January 2021. Council believes that by withholding this information from the Audit and Governance Committee for 11 months, the Executive failed to act in the interest of Oxfordshire taxpayers.

Council commits to ensuring that, in future, in the interests of transparency and good governance, any breaches of procedure are made known to members of the Audit and Governance Committee as soon as they are known to the Executive, and that committee members are allowed to see any reports relating to such breaches of procedure (redacted as necessary), following any reasonable request from members of that committee and assuming there is no legal reason why such documents should be with-held.

## **17. Motion by Councillor Eddie Reeves**

“This Council fully recognises the value of the much-loved Horton General Hospital to the residents of Banbury and its surrounding catchment area, which uniquely covers four counties.

Local efforts to retain acute services at the Horton have been welcomed by Councils at all tiers in recent months and by community groups and residents alike. This Council’s position has always been that the Horton’s future should be as a fully functioning General Hospital complementing the world-class services at both the John Radcliffe Hospital and Churchill Hospital so as to build on Oxfordshire’s enviable reputation – both nationally and internationally – as a centre for excellence in healthcare. That remains unequivocally the case today.

This Council is encouraged that Oxford University Hospitals NHS Foundation Trust (OUHFT) and the Oxfordshire Clinical Commissioning Group (OCCG) have listened to the strong representations of residents, Councillors and community groups (notably, Keep the Horton General) in recent years and those of Victoria Prentis MP and this Council welcomes steps taken by both OUHFT and OCCG to develop a masterplan for the Horton without delay.

For its part, this Council resolves to do all it can to support the advancement of this vision and commits to reviewing options with Councils at other tiers with a view to supporting OUHFT and CCG-led redevelopment plans so as to deliver an improved facility on the hospital’s existing site or at a new and improved one within the Banbury area that is accessible to residents across the Horton’s unique four-county catchment area.”

## **18. Motion by Councillor Stephan Gawrysiak**

“The County Council will consider environmental weight restrictions across the County, particularly areas which are subject to significant levels of HGV traffic, prioritising the towns of Burford, Chipping Norton and Henley-on-Thames. However,



the county council is very unlikely to have any funding available for this in the coming years so any schemes would need to be funded through development and/or by local communities, businesses and town/parish councils.

This policy clearly states that Henley is subject to significantly high levels of HGV traffic. Henley is also an AQMA area which means we have significant pollution.

Council calls upon the Corporate Director for Environment and Place to complete the necessary studies in the event that funding to cover the whole cost is secured through development and/or by local communities, businesses and town/parish councils and would not fall on the OCC.”

## **19. Motion by Councillor Susanna Pressel**

“Officers are currently developing a small scheme for a workplace parking levy (WPL) across one section of East Oxford. If that scheme is approved, the revenue it generates will be spent on just one new bus route to serve only those commuters who would otherwise drive to work in that “eastern arc”.

This is a step in the right direction, but we need to be far more ambitious. A larger scheme would do far more to help us achieve our climate action goals; it would do far more to reduce congestion and improve air quality; and crucially it would generate far more ring-fenced revenue to spend on better public transport to benefit all our residents as well as just a few commuters.

The WPL in Nottingham has so far raised more than £75 million (at least £10m each year), which the council has spent on public transport, including an electric bus network.

The Transport Act 2000 says that the regulations for WPLs are designed to be flexible. The only restriction on WPLs is that “a scheme may only be made if it facilitates the policies set out in the Local Transport Plan (LTP)”. As a Standard Note from the House of Commons Library puts it: the regulations “aim to create maximum flexibility as to how and where the money raised is spent”.

This Council requests that the Corporate Director Environment & Place give consideration to expanding the WPL scheme through the development of a business case for Connecting Oxford that covers a much wider area and not just the “eastern arc”.

## **20. Motion by Councillor Damian Haywood**

“It is a sad reality that up and down the country, roads around schools have become plagued with a surge of traffic concentrated over a 50-minute period at drop off and pick up times. This results in increased risks of collisions with vulnerable road users and other motorists, unlawful parking, traffic jams, road rage. People on foot and cycling are left with the feeling that roads are no place for them. This has implications for everyone especially children.

Statistics from the Department of Transport reveal that 14% of children killed on

Great Britain's roads in 2018 were during the morning school run (7-9am) and 23% after school between 3-5pm. Furthermore, Kings College London found that children are exposed to levels of NO<sub>2</sub> five times higher when travelling to school in the morning than while at school.

For the past 30 years, children have been progressively removed from the roads which have been abandoned to motor vehicles. This created a vicious circle: traffic makes the roads unsafe so parents will drive their children everywhere.

It's time to create a virtuous circle by supporting families to switch to active travel by making it easier for parents and children to get to school in more environmentally friendly ways by restricting non-essential vehicles from roads surrounding schools at the start and finish of the school day. This Council asks the Corporate Director Environment and Place to develop a rolling programme of school streets across the County."

## 21. Motion by Councillor Arash Fatemian

"This Council was profoundly disappointed to hear the view of Liberal Democrat MP Layla Moran who, when asked on BBC Question Time (18 February) about curbs on free speech in our universities, claimed that it "should not be a priority right now" only days after moderate academics had written compellingly about professional attacks suffered by them.

As a county with a number of first-class schools and colleges, excellent public libraries and two leading universities, and with a great many residents employed by this Council and others in the Education profession, this Council:

- i) Publicly deplores the position held by the MP for Oxford West and Abingdon;
- ii) reaffirms in the strongest possible terms that it believes in freedom of speech everywhere, particularly in our schools, colleges, public libraries and universities;
- iii) believes that students – whether at school, college or university – should be taught how to think, not what to think;
- iv) offers reassurance to students, teachers and academics throughout this county that we will continue to work with our schools, public libraries and other educational institutions to ensure that views can be expressed without fear of retribution or persecution;
- v) asks the Leader to write to all local MPs, schools, public libraries and higher and further education establishments in Oxfordshire clearly outlining this Council's stance;
- vi) asks the Leader to write to the MP in question, inviting her to reconsider the insensitive implications of her remarks, which serve only to condone abuse, rather than promote open, liberal and diverse debate."

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### Pre-Meeting Briefing

There will be a pre-meeting briefing on **Monday 22 March at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders

## OXFORDSHIRE COUNTY COUNCIL

**MINUTES** of the meeting held on Tuesday, 9 February 2021 commencing at 10.00 am and finishing at 1.50 pm.

**Present:**

Councillor Les Sibley – in the Chair

Councillors:

John Howson	Mike Fox-Davies	Charles Mathew
Sobia Afridi	Stefan Gawrysiak	Glynis Phillips
Jamila Begum Azad	Mark Gray	Susanna Pressel
Hannah Banfield	Carmen Griffiths	Laura Price
David Bartholomew	Pete Handley	Eddie Reeves
Dr Suzanne Bartington	Jane Hanna OBE	G.A. Reynolds
Tim Bearder	Jenny Hannaby	Judy Roberts
Maurice Billington	Neville F. Harris	Alison Rooke
Liz Brighouse OBE	Steve Harrod	Dan Sames
Paul Buckley	Damian Haywood	Gill Sanders
Kevin Bulmer	Mrs Judith Heathcoat	John Sanders
Nick Carter	Hilary Hibbert-Biles	Emily Smith
Mark Cherry	Ian Hudspeth	Roz Smith
Dr Simon Clarke	Tony Ilott	Lawrie Stratford
Yvonne Constance OBE	Bob Johnston	Dr Pete Sudbury
Ian Corkin	Liz Leffman	Alan Thompson
Arash Fatemian	Lorraine Lindsay-Gale	Emma Turnbull
Neil Fawcett	Mark Lygo	Michael Waine
Ted Fenton	D. McIlveen	Liam Walker
Nicholas Field-Johnson	Kieron Mallon	Richard Webber
Mrs Anda Fitzgerald-O'Connor	Jeannette Matelot	

*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.*

### **85/21 MINUTES**

(Agenda Item 1)

The Minutes of the Meeting held on 8 December 2020 were approved and signed as an accurate record.

## **86/21 DECLARATIONS OF INTEREST**

(Agenda Item 3)

Councillor Laura Price declared a non-pecuniary interest in Agenda Item 8, by virtue of her position as Chief Executive at Oxfordshire Community & Voluntary Action (OCVA).

Councillor Jenny Hannaby declared a non-pecuniary interest in Agenda Item 8, by virtue of her position as trustee of a local Nursing home in Wantage.

## **87/21 OFFICIAL COMMUNICATIONS**

(Agenda Item 4)

Council welcomed Anita Bradley, newly appointed Director for Law & Governance & Monitoring Officer.

Council paid tribute and held a minute's silence in memory of former County Councillor and Honorary Alderman Margaret Ferriman.

Council expressed its gratitude to staff for their dedication, professionalism and commitment in the face of difficulties during the pandemic. Special thanks was given to the firefighters, emergency planners, highways staff, social care teams and many others whom had responded to the flooding while continuing to manage the local response to the pandemic and their business as usual duties.

## **88/21 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 6)

Council received the following Petition and Public Address:

Ms Jean Conway, Campaign Leader 20's Plenty for Oxfordshire presented a Petition requesting that Oxfordshire County Council take the 20 mph initiative forward and create a coherent strategic plan that rolled out 20mph in groups of defined areas with one TRO per area so as to minimise costs. They further sought that OCC fund the initiative so that facilitation was not based on the wealth of an area.

### **Public Address**

Mr Chris Hancock, Appleford-on-Thames Parish Council addressed the Council in relation to a section of the proposed relief road, part of the HIF1 scheme approved by Cabinet on 21 July 2020. The section ran north of Didcot Power Station to a new bridge crossing over the River Thames.

The Parish Council had surveyed the views of all residents in Appleford and were instructed to speak for them. He explained that Appleford did not object to the principle of a road between Didcot to Culham, they accepted that traffic and future development will require this. However, they were concerned that the current alignment for that section of the road presented serious consequences for residents living adjacent to this road. The

proposed route required the road, cycleway, and footway to bridge over Appleford Sidings. This was a private freight railway siding used by Hanson and others and would require that the total highway would have to be raised on embankments, higher than the roofline of adjacent properties, for a considerable distance either side of the bridge.

Subsequent to the OCC consultation exercise in April last, Hanson secured planning approval, to triple the size of the sidings by building extra tracks. These would be built this year. This was not included in the road proposal and considerably increased the cost, size, and complexity of a road bridge. The Three major impacts of this high-level road would be felt as noise, traffic pollution and visual intrusion.

They anticipated noise from four sources, road traffic over the bridge, train movements below the bridge, interaction of the train movements and the bridge (reflected noise) and the vibration of the bridge structure. They felt that the cumulative effect of noise would be most severely felt for residents of Main Road in Appleford, facing the sidings.

It was recognised that dealing with vehicle noise from an elevated road was twice as difficult as dealing with noise from a road at ground level. Attenuation by the ground surface is lost. Secondly, dealing with the vehicle emissions, and particulates from an elevated road was considerably more difficult than for a road at ground level. Appleford was upwind of the proposed road, they expressed concern about the health effects.

Thirdly, they felt that a raised road would dominate the skyline to the west of Appleford and increase the prominence in the landscape. Noise and pollution screens would add considerably more to the height. The possible construction costs were large. Similar road bridges elsewhere in the county had cost between £15M and £25M. The costs and environmental consequences however were not inevitable. They believed an adjusted alignment of the road within the same land corridor north of Didcot Power Station could allow the road to be constructed with less damage to adjacent communities.

They requested that OCC investigate the alternatives that would avoid the need to bridge over the railway sidings and permit the road to be routed at ground level. The Parish Council had met with OCC transport planners and they wished to work with them to find a solution to avoid the cost and environmental impacts of a high-level road. The current alignment was not acceptable to the Parish of Appleford. We know this view is shared within Sutton Courtenay and Culham communities. The Council's approval recognised that variations to alignments may be required. They urged the Council for a review of the railway bridge proposal.

**89/21 PAY POLICY STATEMENT - REPORT OF THE REMUNERATION COMMITTEE**

(Agenda Item 7)

In 2012, a stand-alone Remuneration Committee was set up to report each year directly to full Council and to make recommendations regarding the Council’s Pay Policy Statement. The Council had before it a report of the Remuneration Committee which updated the Council’s Pay Policy Statement and set out future proposals of the Remuneration Committee in relation to this area, the report further included an Annex updating members on the Gender Pay Gap.

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

- (a) receive the report of the Remuneration Committee;
- (b) approve the revised Pay Policy Statement at Annex 1 to this report;
- (c) approve the Gender Pay Gap Report at Annex 2 to this report.

**90/21 BUDGET AND BUSINESS PLANNING 2021/22 - 2025/26 - CORPORATE PLAN**

(Agenda Item 8)

Before the Council was the report and annexes, an Addenda setting out the changes to the Cabinet’s proposed revenue budget for 2021/22 and Medium Term Financial Strategy (MTFS) to 2025/26 arising from information received after the publication of Council papers on 1 February 2021; the Labour Group’s Amendment; the Leader of the Council’s Overview and the Schedule of Business.

Councillor Hudspeth moved and Councillor Bartholomew seconded the Cabinet’s recommendations in relation to the revenue budget for 2021/22 and Medium Term Financial Strategy (MTFS) to 2025/26 In moving and seconding the motion, Councillor Hudspeth and Councillor Bartholomew paid tribute to Lorna Baxter, Hannah Doney and the finance team for all their work in preparing the budget.

Councillor Brighouse moved and Councillor Phillips seconded an amendment to the Cabinet’s budget as set out below. Councillor Brighouse thanked the Director of Finance and her team for their work on the Budget.

The Council is RECOMMENDED (in respect of the budget and medium term financial strategy – at Section 4) to approve a budget for 2021/22 set out in Section 4.4 and a medium term financial strategy for 2021/22 – 2025/26 set out in Section 4.1 as amended in Labour Group Annex 1 below:

Labour Group Budget Amendments 2021/22 - 2025/26						
Revenue						
	2021/22	2022/23	2023/24	2024/25	2025/26	Total

	£m	£m	£m	£m	£m	£m
<b>Cabinet Position as per Council report</b>	<b>0.000</b>	<b>7.047</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>7.047</b>
<b>Children's Services</b>						
<u>Amend</u> : Youth Offer - Core Funding (22CS7)	-0.500					<b>-0.500</b>
Target part of Youth Offer to improve emotional & wellbeing support for young people.	0.500					<b>0.500</b>
<b>Adult Services</b>						
<u>Temporary Reduction to</u> : Adult Social Care Risk Budget (22AS9)	-0.225	0.225				<b>0.000</b>
Apprenticeship Infrastructure Post - to lead and strengthen the use of the apprenticeship levy across the care sector in Oxfordshire (temporary post for one year)	0.075	-0.075				<b>0.000</b>
Temporary funding to explore options to strengthen the range of care models in Oxfordshire including social enterprises and microproviders	0.150	-0.150				<b>0.000</b>
<b>Environment and Place</b>						
<u>Remove</u> : increase in charge for COMET service (22EP13)	0.010					<b>0.010</b>
One off use of Contingency Budget	-0.010	0.010				<b>0.000</b>
Increase in other discretionary charges from 2022/23		-0.010				<b>-0.010</b>
<b>Revised Overall Position</b>	<b>0.000</b>	<b>7.047</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>7.047</b>
<b>Difference to Cabinet Position as per Council report</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

Having heard the proposal, with the consent of Council, Councillor Hudspeth accepted the Amendment from the Labour Group.

Following debate, the motion as amended was put to the vote and carried by 48 to 15.

Voting was as follows:

Councillors voting for the motion (60)

Afridi, Banfield, Bartholomew, Bartington, Azad, Billington, Brighouse, Bulmer, Carter, Cherry, Clarke, Constance, Corkin, Fatemian, Fenton, Field-Johnson, Fitzgerald O'Connor, Fox-Davies, Gawrysiak, Gray, Griffiths, Handley, Harrod, Haywood, Heathcoat, Hibbert-Biles, Hudspeth, Ilot, Lindsay-Gale, Lygo, Mallon, Matelot, Mathew, McIlveen, Phillips, Pressel, Price, Reeves, Reynolds, Sames, Gill Sanders, John Sanders, Sibley, Stratford, Thompson, Turnbull, Waine and Walker.

Councillors voting against the motion (15)

Bearder, Buckley, Fawcett, Hanna, Hannaby, Harris, Howson, Johnston, Leffman, Roberts, Rooke, Emily Smith, Roz Smith, Sudbury and Webber.

Councillors abstaining on the motion (0)

It was accordingly:"

**RESOLVED:** (48 votes to 15) to:

- (a) approve the Corporate Plan as set out in Section 2;
- (b) have regard to the statutory report of the Director of Finance (at Section 3) in approving recommendations c to e below;
- (c) (in respect of the budget and medium term financial strategy – at Section 4) approve:
  - (1) the council tax and precept calculations for 2021/22 set out in Section 4.3 and in particular:
    - (i) a precept of £407,954,238.76;
    - (ii) a council tax for band D equivalent properties of £1,573.11;
  - (2) a budget for 2021/22 as set out in Section 4.4;
  - (3) a medium term financial strategy for 2021/22 to 2025/26 as set out in Section 4.1 (which incorporates changes to the existing medium term financial strategy as set out in Section 4.2);
  - (4) the Financial Strategy for 2021/22 at Section 4.5;
  - (5) the Earmarked Reserves and General Balances Policy Statement 2021/22 at Section 4.6 including:
    - (i) the Chief Finance Officer's recommended level of General Balances for 2021/22 (Section 4.6), and
    - (ii) the planned level of Earmarked Reserves for 2021/22 to 2025/26 (Section 4.6)
- (d) (in respect of capital – at Section 5) approve:
  - (1) the Capital & Investment Strategy for 2021/22 to 2030/31 including the Prudential Indicators and Minimum Revenue Provision Methodology Statement as set out in Section 5.1;
  - (2) a Capital Programme for 2021/22 to 2030/31 as set out in Section 5.5 which includes new capital proposals set out in Section 5.6 and the Property Strategy set out in Section 5.4; and
  - (3) the Investment Strategy for 2021/22 set out in Section 5.3.
- (e) (in respect of treasury management) approve:
  - (1) the Treasury Management Strategy Statement and Annual Investment Strategy for 2021/22 at Section 5.2 including the Treasury Management Prudential Indicators and the Specified Investment and Non-Specified Investment Instruments.
  - (2) that any further changes required to the 2021/22 strategy be delegated to the Chief Finance Officer in consultation with the Leader of the Council and the Cabinet Member for Finance.
- (f) to approve a budget for 2021/22 set out in Section 4.4 and a medium term financial strategy for 2021/22 – 2025/26 set out in Section 4.1 as amended in Labour Group Annex 1 (above).



..... in the Chair

Date of signing .....

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**Divisions- N/A**

## **COUNTY COUNCIL – 23 MARCH 2021**

### **REPORT OF THE CABINET**

#### ***Cabinet Member: Deputy Leader of the Council***

**1. Workforce Report and Staffing Data - Quarter 1 - April - June 2020**

*(Cabinet, 23 February 2021)*

Cabinet noted a report that provided an update on key HR activities during Quarter 3 (1 October – 31 December 2020) along with a refreshed workforce profile and absence data including COVID related absence data.

#### ***Cabinet Member: Adult Social Care & Public Health***

**2. Recommissioning Services to Support Homeless Adults and Adults at Risk of Homelessness in Oxfordshire**

*(Cabinet, 23 February 2021)*

Cabinet considered and approved a report setting out how the partnership of six Oxfordshire councils and the Clinical Commissioning Group intended to recommission services to support people who were homeless or at risk of homelessness including rough sleepers.

#### ***Cabinet Member: Education & Cultural Services***

**3. Funding for Special Schools**

*(Cabinet, 19 January 2021)*

Cabinet considered a report which set out the background to how SEND (High Needs) top-up funding currently operated for special schools in Oxfordshire and how, with Cabinet's approval, a transfer of Dedicated Schools Grant High Needs funding would help support an increase in top-up funding in line with that agreed in September for mainstream schools, in order to better meet the needs of children in these schools. Cabinet approved a one-off increase in top-up funding as proposed.

#### ***Cabinet Member: Environment***

**4. Oxfordshire Strategic Vision**

*(Cabinet, 15 December 2020)*

Cabinet considered a report that introduced a first draft of a Strategic Vision for Oxfordshire as proposed by Oxfordshire Growth Board.

## **5. A40 Science Transit 2 Funding and Full Business Case Submission**

*(Cabinet, 15 December 2020)*

In July 2014 the Science Transit 2 (ST2) project was awarded a provisional allocation of £35 million from Governments Local Growth Fund, subject to:

- i. the submission of an acceptable Full Business Case being submitted to the Department for Transport (hereafter referred to as DfT).
- ii. a minimum of £5 million matching local contribution.

The A40 Science Transit scheme was entered into the capital programme through a decision of Cabinet on 21st July 2015 that outlined the scheme and the longer-term strategy for the A40.

Cabinet had before them a report that set out progress to date and sought approval to the next steps, including agreeing the preferred option to accelerate the delivery of the Park & Ride element of the project, additional development costs and authority to officers to submit a Full Business Case to Department for Transport for funding approval.

## **6. Local Transport and Connectivity Plan – Vision and Objectives Document**

*(Cabinet, 19 January 2021)*

Cabinet endorsed and approved for public consultation the Local Transport and Connectivity Plan.

## **7. Oxfordshire Minerals & Waste Development Scheme (11<sup>th</sup> Edition)**

*(Cabinet, 19 January 2021)*

Cabinet approved the Oxfordshire Minerals & Waste Development Scheme (11<sup>th</sup> edition)

## **Green Homes Grant, Local Authority Delivery Fund 1B**

*(Cabinet, 19 January 2021)*

In support of the council's climate action and healthy place shaping agenda as well as national commitments to a green recovery, Cabinet noted the submission of a funding application in relation to the Green Homes Grant and delegated authority to officers to complete legal agreements in the event of a successful application.

### ***Cabinet Member: Finance***

## **8. Capital Programme Monitoring Report – October 2020**

*(Cabinet, 15 December 2020)*

Cabinet had before them a report that set out the latest monitoring position for 2020/21 capital programme based on activity to the end of October 2020 and that provided an update on latest ten-year capital programme to 2029/30.

Cabinet noted the inclusion of a contribution to Active Travel Programme from OxLEP; approved a revised budget provision for the A40 Oxford North (Northern Gateway) scheme; agreed the inclusion of the new NE Didcot Primary School and delegated to officers authority to agree Heads of Terms with the Department for Education in relation to the funding for the new Grove Airfield Secondary School.

***Cabinet Member: All Cabinet Members***

**9. Business Management & Monitoring Report**

*(Cabinet, 15 December 2021, 19 January and 23 February 202 )*

Cabinet noted a series of reports that set out Oxfordshire County Council's (OCC's) progress towards Corporate Plan priorities for 2020/21 up to December 2020

The reports contained three annexes:

- Annex A gave the current performance against targets and summarised progress towards overall outcomes set out in our Corporate Plan.
- Annex B set out the Leadership Risk Register which had been developed as part of the Council's work to strengthen risk and opportunities management.
- Annex C gave a financial update

In December Cabinet approved COVID expenditure and income virements.

In February Cabinet approved a virement relating to the Rough Sleeping, Drugs and Alcohol Grant Scheme and approved bad debt write-offs. They also noted the allocations of the Contain Outbreaks management Fund.

**IAN HUDSPETH**  
Leader of the Council

March 2021

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**Divisions: N/A**

## **COUNCIL - 23 MARCH 2021**

### **CONSTITUTION REVIEW**

**Report by the Director of Law & Governance and Monitoring Officer**

#### **RECOMMENDATIONS**

**Council is RECOMMENDED to approve:**

- (a) the proposed amendment (at paragraph 8) to bring the definition of a Key Decision into the main body of the text with the addition of consultation arrangements for Key Decisions taken by officers;**
- (b) the proposal that the Monitoring Officer should bring forward proposals to the Audit & Governance Committee, after the May 2021 County Council elections, in the 4th cycle of the meetings for that Committee, for achieving a full review of the structure and content of the Constitution.**

#### **Executive Summary**

1. Under the Constitution, the Monitoring Officer is required to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect. This includes making recommendations to Council on any necessary amendments. The Monitoring Officer is authorised to make any changes to the Constitution which are required to:
  - Comply with the law
  - Give effect to the decisions of Council (or Cabinet, Committees etc.)
  - Correct errors and otherwise for accuracy or rectification
2. The Monitoring Officer reported some administrative changes to the Audit & Governance Committee on 3 March 2021.
3. Other changes will only be made by Full Council, following a recommendation of the Monitoring Officer, taking account of the views of the Audit & Governance Committee.
4. This report sets out:
  - a. One change which requires Council's approval - in relation to bringing the definition of a Key Decision into the main body of the text with the introduction of consultation arrangements for Key Decisions taken by officers
  - b. A proposed approach to a review of the Constitution following the May 2021 elections.

5. The Audit & Governance Committee endorsed both of these proposals at its meeting on 3 March.

### **Change for Council to approve – Key Decision**

6. A Key Decision is defined in Regulations as:

“An executive decision which is likely...to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates...or to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the County.”

7. As such, Key Decisions are normally published in advance, in the Council’s Forward Plan, with an indication as to the decision maker, be that full Cabinet, an individual Cabinet Portfolio Holder or an officer. Under the Council’s Scheme of Delegation, officers can take Key Decisions in certain circumstances.

8. In practice, the Constitution currently sets out the description of a Key Decision in a footnote in Article 14 (Decision Making). The Monitoring Officer, with the endorsement of the Audit & Governance Committee, is suggesting that the definition should be moved into the main body of Article 14. It is also suggested that Full Council amends the Article by the inclusion of the following words to strengthen the consultation requirement on officers when they are exercising a delegation to make a Key Decision:

“Officers taking a Key Decision within this definition may only do so after consultation with the relevant Cabinet Member(s) and the Section 151 Officer.”

### **Potential approach to reviewing the Constitution – after the May 2021 County Council election**

9. The Council’s Constitution has not undergone a thorough review for several years.
10. It is suggested that it may be appropriate, and timely following the May 2021 County Council elections, for the Council to undertake a more directed review of the structure and content of the Constitution later in the year.
11. The Council’s current Constitution follows the Model Constitution put forward nationally some years ago. A more flexible and user-friendly structure could be achieved in the light of emerging best practice.
12. Additionally, several sections of the Constitution have not been revisited in any detail for a number of years. The **annex** to this report outlines some of the sections which the Council could well consider reviewing from first principles. Several of these were suggested by Councillors following a recent consultation seeking their thoughts on areas of potential change.



13. It may also be timely to review the Constitution in the light of the Council's commitments to equality, diversity and inclusion. The changing context of the coronavirus pandemic will also provide the Council, post-election, with a fresh perspective on potential Constitutional arrangements. This might particularly be the case, for example, if there are changes to the legislative framework for holding virtual meetings or the adoption of hybrid arrangements (i.e. virtual and in person), if this is permissible. As such, it would be appropriate for a newly elected Council to take ownership of its Constitution. It would also be a useful time to review what other bodies may need to be included in the Constitution, for transparency and to reflect our statutory duties. (Although, the Monitoring Officer, does have delegated authority to update the Constitution to comply with the law.)
14. It is therefore proposed that the Monitoring Officer should bring forward proposals to the Audit & Governance Committee, following the election, on options for achieving a structured review of the Constitution. For example, such a review could involve a cross-party working group generating member views, with the Committee then making recommendations to Council for change, with a process in place for ongoing annual review. The Committee agreed and suggested that such proposals be brought to it in the 4th cycle of meetings after the election.

### **Financial Implications**

15. There are no financial implications directly relating to, or arising from, the recommendation in this report.

### **Legal Implications**

16. The Council has a legal duty to maintain a Constitution and to keep it up to date. This report fulfils the duty to keep the Constitution up to date and makes proposals for maintaining it into the future.

### **Equality Implications**

17. The recommendations in this report do not themselves raise equality implications. However, keeping the Constitution up to date is important to its accessibility. The recommendation for bringing forward proposals for reviewing the Constitution involves a recognition that any such proposals for review would need to ensure a diversity of views and an emphasis on achieving a Constitution that engages everyone in our communities.

### **ANITA BRADLEY**

Director of Law & Governance and Monitoring Officer

Background papers: Nil

Contact Officer: Glenn Watson, Principal Governance Officer,  
[glenn.watson@oxfordshire.gov.uk](mailto:glenn.watson@oxfordshire.gov.uk) 07776 997946

March 2021

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## Annex – Constitution Review

### Examples of potential areas for further review of the Constitution after the May 2021 elections.

Section of the Constitution	Potential reason for review
Structure of the Constitution generally (Articles, Parts, Procedure Rules, Protocols)	These originate from the national Model Constitution which is now some years old. A review of more recent best practice examples may help achieve a more responsive and accessible Constitution
Equality, diversity and inclusion*	Review the Constitution in the light of the Council's commitment to equality, diversity and inclusion. To ensure the Constitution's language and provisions actively recognise and encourage inclusion and participation.
Article 2 - Members of the Council and Appendix*	Review of Member Champions Role and listings
Article 4 - Full Council*	Rule 4 (Policy Framework) - review the Policies that should go to Full Council
Article 7 - Overview and Scrutiny*	Review the Council's view on the purpose and sufficiency of current Scrutiny arrangements. Review level of detail needed to describe terms of reference.
Part 3.1 - Council Procedure Rules	General review of the processes for motions, deadlines and questions
Part 3.1A - Virtual Meeting Procedure Rules	Review the effectiveness, particularly if the virtual rules are likely to continue, in some form, as a legal means of meeting e.g. is the 4-day deadline for public speakers needed or too long?
Part 4.2 - Cabinet Procedure Rules	Review the processes for enabling members to put items on the Cabinet agenda and speaking arrangements.
Part 4.5 - Cabinet Advisory Groups*	Review and ensure up to date.
Part 4.6 - Transport Advisory Panel	Consider whether this is still required.
Part 6.2 - Scrutiny Procedure Rules	General review e.g. how work programme is agreed and agenda items set; councillor involvement in scrutiny and the role of co-opted members. Can

<b>Section of the Constitution</b>	<b>Potential reason for review</b>
	reporting on the work of scrutiny be improved (Rules 12 and 21)
Part 6.3 - Public Participation	Review and update to reflect best practice
Part 8.1 - Access to Information Procedure Rules	Review and update to reflect best practice
Part 8.4 - Employment Procedure Rules	Review and update to reflect best practice
Part 9.2 - Protocol on Members' Rights and Responsibilities	Review and update to reflect best practice. In particular revisit the sufficiency of the current arrangements for keeping councillors informed of issues in their local areas. Review content to ensure the Council effectively listens to its county councillors. *
Potential inclusion of other bodies e.g. requiring statutory engagement by the Council	For example, Local Channel Panels in connection with the statutory duty to protect vulnerable people. NB In this case, Home Office guidance is awaited on definitions for inclusion in the Constitution.

An asterisk indicates where an elected member has also expressed an interest in the Council undertaking a review on that point.

**Divisions: N/A**

**COUNCIL – 23 MARCH 2021**

## **CHANGES TO THE CONSTITUTION OF THE PENSION FUND COMMITTEE**

**Report of the Director of Finance**

### **RECOMMENDATION**

**Council is RECOMMENDED to agree the changes to the constitution of the Pension Fund Committee as follows:**

- **5 County Council Representatives selected in accordance with the political balance of the Council. These would form the only voting members of the new Committee**
- **2 Academy School Representatives – non-voting**
- **1 Oxford Brookes University Representative – non-voting**
- **1 District Council Representative – non-voting**
- **1 Scheme Member Representative – non-voting.**

### **Executive Summary**

2. As part of an Independent Governance Review of the Pension Fund, Hymans Robertson recommended changes to the constitution of the Pension Fund Committee. The main driver for the recommended changes were to improve the representation of Scheme Employers on the Fund, whilst maintaining the majority position of the County Council as the Administering Authority. This is consistent with best practice guidance from the LGPS Scheme Advisory Board. The changes also result in a reduction of 2 in the total membership which should facilitate ensuring all Committee members have the requisite skills and knowledge to undertake their responsibilities on the Committee and improve the effectiveness of the Committee. The Pension Fund Committee at its meeting supported the proposals and recommended that these should be in place before the formation of the new Pension Fund committee following the May elections.

### **Introduction**

3. At its meeting on 5 March 2021, the Pension Fund Committee received a report from Hymans Robertson, advisors to a number of Local Government Pension Funds in England, Wales and Scotland, and authors of the Good Governance Report as presented to the national Scheme Advisory Board. The Committee had asked for the independent governance review to be undertaken in preparation of the outcomes from the Good Governance Report, the recommendations of which are currently with the relevant Minister for decision.

4. The report from Hymans Robertson was largely positive about the current governance arrangements in place for the Oxfordshire Pension Fund but identified 10 recommendations for further improvements. The Pension Fund Committee accepted the recommendations and asked Officers to bring a report on how to take 9 of these recommendations forward to the next meeting of the Committee.
5. There was one recommendation which the Pension Fund Committee felt was more urgent, in that it recommended changes to the Constitution of the Committee itself. It was the view of the Committee that they should determine their advice on this recommendation at their meeting and recommend Council accordingly, to enable the changes to be made in advance of the upcoming Annual Meeting in May 2021. This would enable the new Committee to be established consistent with its new constitution, rather than having to disband itself at its first meeting.

### **Proposed Changes to the Committee Constitution**

6. Officers from Hymans Robertson were present at the Committee meeting to present their findings. One of the key issues highlighted in their report, was the best practice guidance from the Scheme Advisory Board which expected scheme employer and member representation on the Pension Fund Committee. Under the current Constitution, the Committee comprises 9 voting County Council representatives, 2 voting District Council representatives and 1 non-voting scheme member representative.
7. The scheme member representative has traditionally been non-voting to enable a County Council employee to take on the role. This reflects the fact that the County Council has the largest number of active scheme members within the Fund, and that an employee of the Council can not sit in a voting capacity on any Committee of the County Council.
8. The Hymans Robertson report highlighted that over recent years, the Fund has seen considerable change in its membership, most notably driven by the growth in Academy Schools. This has had the impact of significantly reducing the proportion of total Fund members working for the County Council to around 40%, as well as introducing a new group of scheme employers within the Fund, whose employees now make up around 30% of the active membership of the Fund. Despite this change, the Academy Schools have no representation on the current Pension Fund Committee.
9. The second largest single scheme employer within the Fund is Oxford Brookes University who employ around 10% of the active scheme membership. They too have no representation on the Committee. The District Council's who with their partner outsourced bodies also employ around 10% of the active scheme membership currently have 2 voting representatives.
10. As well as looking at the issue of representation, the Committee also considered issues associated with the legal framework in which the Committee is constituted and the growing training requirement for scheme members.

11. As a formal Committee of the County Council, the membership of the Committee must reflect the political make up of the Council. It is also the case that the majority party on the Council must form a majority of all voting members on the Committee. Extending the membership of the Committee to add further voting members to represent the wider scheme employer base, would therefore also require an increase in the number of County Council representatives.
12. The Committee also noted the growing complexity of their work, resulting from numerous changes to the scheme Regulations, the growth in scheme employers, and the increased role of the Pension Regulator. There are increasing calls for all members of the Committee to have the required skills and knowledge to undertake these increasingly complex responsibilities, in line with the requirements on members of the Local Pension Board. It was noted that a number of the current members of the Committee find it difficult to commit sufficient time to acquire and keep up to date the skills and knowledge required to effectively serve on this Committee.
13. The proposal from Hymans Robertson taking these points into consideration was a new Committee comprising:
  - 5 County Council Representatives selected in accordance with the political balance of the Council. These would form the only voting members of the new Committee
  - 2 Academy School Representatives – non-voting
  - 1 Oxford Brookes University Representative – non-voting
  - 1 District Council Representative – non-voting
  - 1 Scheme Member Representative – non-voting
14. The Committee noted that the vast majority of their business was determined through consensus, with matters rarely going to a vote, so the non-voting status of the scheme employer and member representatives should not in any way diminish their role on the Committee. Both voting and non-voting members of the Committee would need to commit to acquiring and maintaining the skills and knowledge required to undertake the responsibilities associated with the work of the Committee. All members would have the same access to papers, briefings and advice from the Committee's Officers and Advisers.
15. It was also noted that as the Administering Authority, the ultimately legal responsibility for the administration of the Fund fell to the County Council, and this further supported the proposal that only the County Council representatives would have voting rights, to enable the position of the Administering Authority to be protected.
16. The Committee have fully discussed the issues, endorsed the proposal as set out above and determined to recommend it to the County Council.

## **FINANCIAL IMPLICATIONS**

17. There are no direct financial implications arising from this report

## **LEGAL IMPLICATIONS**

18. There are no specific legal implications arising from this report. It is within the Council's remit to agree the Constitution of the Pension Fund Committee.

**LORNA BAXTER**  
Director of Finance

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March 2021



**Divisions Affected: N/A**

## **COUNCIL – 23 MARCH 2021**

### **HEALTH SCRUTINY ARRANGEMENTS FOR OXFORDSHIRE**

**Report by Director for Law and Governance and Monitoring Officer**

#### **RECOMMENDATIONS**

The Council is **RECOMMENDED** to approve:

- (a) the revisions to the draft Terms of Reference for a health scrutiny committee for health system-wide issues across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) area;
- (b) a delegation from Council to enable the Monitoring Officer, in consultation with the Chairman and Deputy Chairman of the Oxfordshire Joint Health Overview and Scrutiny Committee, to make minor changes to the Terms of Reference after 23 March 2021 should other BOB councils request them as part of their own approval process.

#### **Executive Summary**

1. In 2020 both Oxfordshire Joint Health Overview and Scrutiny Committee<sup>1</sup> and Oxfordshire's Council<sup>2</sup> approved in principle Terms of Reference for a new health overview scrutiny committee which will scrutinise system-wide health issues across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) area.
2. This report seeks Council's approval of revisions to those Terms of Reference, which were proposed jointly at a meeting of HOSC Chairs and scrutiny officers in the relevant 5 BOB local authorities on 5 February 2021.
3. The revisions to the Terms of Reference were approved at a meeting of Oxfordshire Joint HOSC on Friday 12 March by a vote of 6 members to 2.

#### **Background**

4. Health Services have a legislative duty to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their

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<sup>1</sup> Oxfordshire Joint HOSC meeting, 26 November 2020, agenda item 47/20:  
[https://mycouncil.oxfordshire.gov.uk/documents/s54280/CC\\_DEC0820R03%20-%20HOSC%20BOB%20-%20Annex%201.pdf](https://mycouncil.oxfordshire.gov.uk/documents/s54280/CC_DEC0820R03%20-%20HOSC%20BOB%20-%20Annex%201.pdf)

<sup>2</sup> Oxfordshire County Council meeting, 8 December 2020, agenda item 78/20:  
[https://mycouncil.oxfordshire.gov.uk/documents/s54280/CC\\_DEC0820R03%20-%20HOSC%20BOB%20-%20Annex%201.pdf](https://mycouncil.oxfordshire.gov.uk/documents/s54280/CC_DEC0820R03%20-%20HOSC%20BOB%20-%20Annex%201.pdf)

area. When these substantial developments or variations affect a geographical area that covers more than one local authority, the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.

5. Oxfordshire has a Joint HOSC which scrutinises almost all health and wellbeing issues for the county of Oxfordshire. The exception to this is a separate committee constituted in 2018, known as the Horton HOSC, which with Northamptonshire County Council and Warwickshire County Council exists to scrutinise NHS proposals related to the Horton General Hospital.
6. In response to the development of an Integrated Care System (ICS) across the Buckinghamshire, Oxfordshire and Berkshire West (BOB) footprint, a health scrutiny committee is needed for the patient-flow geography impacted by service changes at a BOB-level. This includes the authorities of Buckinghamshire Council, Oxfordshire County Council, West Berkshire Council, Reading Borough Council and Wokingham Borough Council.
7. This paper concerns revisions to the BOB HOSC Terms of Reference which were proposed by the 5 BOB local authorities at a meeting of their HOSC Chairs and scrutiny officers on 5 February 2021.
8. In order for the establishment of BOB HOSC to proceed the revisions to the Terms of Reference require agreement by both Oxfordshire Joint HOSC and Full Council. The revised Terms of Reference in entirety will also then require approval by the Councils of the other BOB local authorities.
9. The revisions were approved by Oxfordshire Joint HOSC on 12 March 2021 and are recommended to Council for approval at its 23 March 2021 meeting. Other BOB local authorities are due to consider the revised Terms of Reference for approval at Council meetings between now and May.
10. This report sets out the revisions to the Terms of Reference, which can be found in Annex A. Annex A includes first a “clean” version of the revised Terms of Reference, showing how the Terms of Reference would look if the Council were to accept all revisions, and second a version of the Terms of Reference with the proposed revisions visible for ease of reference.

### **Key issues**

11. Health scrutiny powers are held by county and unitary local authorities. Chief among health scrutiny powers is the ability to:
  - a) Require officers of NHS bodies to attend committee meetings.
  - b) Require the local NHS to provide information about the planning, provision and operation of the health service in the area.
  - c) Make reports and recommendations to NHS bodies.
  - d) Refer proposals for substantial changes to health services to the Secretary of State for decision if the committee believes the consultation has been

inadequate, if there were inadequate reasons for not consulting, or if the proposals would not be in the interests of the local health service.

- e) The NHS is obliged to consult the HOSC on any substantial changes it wants to make to local health services, in addition to its wider responsibility to involve and consult the public.
12. For Oxfordshire County Council, health scrutiny powers are primarily discharged through the Oxfordshire Joint HOSC. This joint committee comprises members from the county council, Oxfordshire district and city councils and co-opted non-voting members. A separate committee constituted in 2018 with Warwickshire County Council and Northamptonshire County Council, known as the Horton HOSC, scrutinises NHS proposals related to the Horton General Hospital. These arrangements would continue unchanged after the establishment of the BOB HOSC.
13. The background to, and need for, a new joint BOB HOSC are set out in full in the paper for Oxfordshire Joint HOSC's 26 November 2020 meeting.<sup>3</sup>
14. Oxfordshire Joint HOSC's approval of the draft BOB HOSC Terms of Reference on 26 November 2020, and Council's subsequent approval in principle on 8 December 2020, were the first formal endorsements of BOB HOSC's scope, membership and functions.

### **Revisions to the Terms of Reference**

15. The Terms of Reference agreed by Council in December 2020 were subsequently discussed on 5 February 2021 by the HOSC Chairs and supporting officers of the 5 BOB local authorities. In discussion, revisions were requested relating to three elements of the Terms of Reference:
- Membership of the BOB HOSC
  - BOB HOSC's use of co-opted members
  - The need for the Terms of Reference to recognise "locality" as a tier of health and care provision
16. The proposed revisions can be seen as tracked changes in the Terms of Reference in Annex A of this paper. Commentary on the revisions follows.
17. Membership of BOB HOSC set out in the original Terms of Reference is proportionate to the population size across the BOB ICS footprint: 7 members for Oxfordshire, 6 for Buckinghamshire and 6 across Berkshire West (i.e. 2 for West Berkshire, 2 for Reading and 2 for Wokingham). At the 5 February meeting it was noted that allowing substitutions would be helpful to those councils with smaller

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<sup>3</sup> Oxfordshire Joint HOSC meeting, 26 November 2020, agenda item 47/20:  
[https://mycouncil.oxfordshire.gov.uk/documents/s54280/CC\\_DEC0820R03%20-%20HOSC%20BOB%20-%20Annex%201.pdf](https://mycouncil.oxfordshire.gov.uk/documents/s54280/CC_DEC0820R03%20-%20HOSC%20BOB%20-%20Annex%201.pdf)

memberships, would allow flexibility and would ensure that meetings were quorate with all authorities being represented.

18. The issue of co-opted members for BOB HOSC was discussed. While it was agreed that co-opted members bring many benefits to HOSC work, involvement of co-opted members in health scrutiny differed across the geographical footprint, those attending the 5 February meeting agreed that BOB HOSC should have the power to appoint co-opted members but should not be obliged to do so. It was also agreed that Healthwatch should be acknowledged as a key stakeholder (not a co-opted member) with a standing item on the BOB HOSC agenda.
19. It was agreed that the Terms of Reference should recognise "Locality" as an additional tier of health and care provision alongside System, Place and Neighbourhood in Berkshire West. The change was made during the 5 February meeting with further explanatory text added immediately afterwards.
20. Oxfordshire Joint HOSC approved these revisions on 12 March 2021 with two further amendments also agreed as shown in Annex A:
  - replacement of "Chairman" and "Vice Chairman" with "Chair" and "Vice Chair" throughout the Terms of Reference, as previously agreed by Oxfordshire Joint HOSC and Council in November and December 2020 respectively.
  - An additional "by" has been inserted into paragraph 27 of the Terms of Reference for accuracy.
21. Oxfordshire Joint HOSC also agreed at its 12 March meeting that it would review the BOB HOSC Terms of Reference after a year to ensure that they remain appropriate in the context of the BOB HOSC's activities and any wider legislative or structural changes in the health and care system.

### **Financial Implications**

22. This report raises no new or additional financial implications.

(Comments checked by Hannah Doney, Head of Corporate Finance)

### **Legal Implications**

23. This report raises no new or additional legal implications.

(Comments made by Anita Bradley, Monitoring Officer)

### **Next steps**

24. The revised Terms of Reference will be considered for approval by the other BOB local authorities. The indicative timetable for this is as follows:

- Buckinghamshire: the revised Terms of Reference have been agreed by the Health & Adult Social Care Select Committee, with delegation given to the HASC Chairman to make any minor changes before going to Full Council on 21 April.
- West Berkshire: the revised Terms of Reference were approved at a scrutiny meeting on 9 February and are scheduled to go to Full Council on 4 May.
- Reading: the revised Terms of Reference will go to the relevant Committee on 30 March and to the Annual Council Meeting on 26 May.
- Wokingham: the timetable is being determined now. Wokingham's Council next meets on 18 March and 20 May.

**ANITA BRADLEY**

Director for Law and Governance and Monitoring Officer

Annex A: BOB HOSC Terms of Reference including proposed revisions

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March 2021

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**ANNEX A – proposed revisions to the BOB HOSC Terms of Reference**

This annex is in two parts:

- A. The Terms of Reference as they would look if Council were to accept all proposed revisions
- B. The Terms of Reference with the proposed revisions visible, for ease of reference.

Both versions in this annex are the Terms of Reference as approved by Oxfordshire’s Council on 8 December 2020, updated with revisions emerging from the 5 February 2021 meeting of BOB HOSC Chairs.

Revisions in this annex were approved by Oxfordshire Joint HOSC on 12 March 2021.

DRAFT

**Joint Health Overview and Scrutiny Committee (Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham) Draft Terms of Reference - version A with proposed changes accepted**

**Purpose**

1. Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority (according to patient flow), the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
2. The NHS Long-Term Plan (published at the beginning of 2019) sets out the vision and ambition for the NHS for the next 10 years. It states - "Every Integrated Care System will need streamlined commissioning arrangements to enable a single set of commissioning decisions at system level." The purpose of the JHOSC would be to hold to account and challenge these commissioning decisions at system level. This function would be new and a different part of local health scrutiny arrangements. The powers and duties of health scrutiny would remain unchanged at Place, Locality and Neighbourhood level (see definitions below). The creation of a JHOSC to scrutinise system level decisions would strengthen existing scrutiny arrangements.
3. These terms of reference set out the arrangements for Buckinghamshire Council, Oxfordshire County Council, Reading Borough Council, West Berkshire Council, Wokingham Borough Council, to operate a JHOSC in line with the provisions set out in legislation and guidance and to allow it to operate as a mandatory committee.

**Terms of Reference**

4. The new JHOSC will operate formally as a mandatory joint committee i.e. where the councils have been required under Regulation 30 (5) Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of providing independent scrutiny to activities delivered at system level (as detailed below) by the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System.
5. The Kings Fund published a report in April 2020 "Integrated Care Systems explained: making sense of systems, places and neighbourhoods" which says that NHS England and NHS Improvement has adopted the terminology used in some systems to describe a three tiered model – System, Place and Neighbourhood:
  - System - typically covering a population of 1–3 million people. Key functions include setting and leading overall strategy, managing collective resources and



performance, identifying and sharing best practice to reduce unwarranted variations in care, and leading changes that benefit from working at a larger scale such as digital, estates and workforce transformation.

- Place – a town or district within an ICS, typically covering a population of 250-500,000. This is where the majority of changes to clinical services will be designed and delivered and where population health management will be used to target intervention to particular groups. At this level, providers may work together to join up their services through alliances and more formal contractual arrangements.
  - Neighbourhood – a small area, typically covering a population of 30-50,000 where groups of GPs and community-based services work together to deliver co-ordinated, pro-active care and support, particularly for groups and individuals with the most complex needs. Primary Care Networks and multi-disciplinary community teams form at this level.
6. In addition, a fourth Locality tier operates below the 'Place' tier, but only within Berkshire West. These Localities coincide with the individual local authorities of Reading Borough Council, West Berkshire Council and Wokingham Borough Council and reflect the geography of their Health and Wellbeing Boards and Public Health, Adult Services and Children's Services functions. Joint working with Health Services also takes place at this level, e.g. through Locality Integration Boards.
  7. Activities at Place, Locality and Neighbourhood would be scrutinised by the relevant local authority through their existing health scrutiny arrangements.
  8. The purpose of the mandatory JHOSC across Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham is to:
    - a. make comments on the proposal consulted on
    - b. require the provision of information about the proposal
    - c. gather evidence from key stakeholders, including members of the public
    - d. require the member or employee of the relevant health service to attend before it to answer questions in connection with the consultation.
    - e. Refer to the Secretary of State only on where it is not satisfied that:
      - consultation on any proposal for a substantial change or development has been adequate in relation to content or time allowed (NB. The referral power in these contexts only relates to the consultation with the local authorities, and not consultation with other stakeholders)
      - the proposal would not be in the interests of the health service in the area
      - a decision has been taken without consultation and it is not satisfied that the reasons given for not carrying out consultation are adequate.

9. Notwithstanding point (e) above, Member authorities have the right to refer an issue to the Department of Health if the joint health scrutiny committee does not collectively agree to refer an issue.
10. With the exception of those matters referred to in paragraph [ 3 ] above responsibility for all other health scrutiny functions and activities remain with the respective local authority Health Scrutiny Committees.
11. The process for determining the appropriate level of scrutiny – ie. System or Place/Locality/Neighbourhood will be in accordance with an agreed toolkit which will set out the process for initiating early dialogue between ICS Leads and the Members of the JHOSC. All constituent authorities will be notified of the outcome of those discussions.
12. No matter to be discussed by the Committee shall be considered to be confidential or exempt without the agreement of all Councils and subject to the requirements of Schedule 12A of the Local Government Act 1972.

#### **Governance**

13. Meetings of the JHOSC will be conducted under the Standing Orders of the Local Authority hosting and providing democratic services support and subject to these terms of reference.

#### **Frequency of meetings**

14. The JHOSC will meet at least twice a year with the Integrated Care System Leads to ensure oversight of key priorities and deliverables at system level.

#### **Host authority**

15. The JHOSC would be hosted by one of the named authorities. The role of host authority would be undertaken by the chairing authority for the same time period [24 months].

#### **Membership**

16. Membership of the JHOSC will be appointed by Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham that have responsibility for discharging health scrutiny functions.
17. Appointments to the JHOSC have regard to the proportion of patient flow. The Joint Committee will therefore have 19 members, consisting of 6 from Buckinghamshire, 7 from Oxfordshire, 2 from Reading, 2 from West Berkshire, 2 from Wokingham.
18. Appointments by each authority to the JHOSC will reflect the political balance of that authority.

19. The quorum for meetings will be 6 voting members, comprising at least one member from each authority. Member substitutes from each authority will be accepted.
20. The JHOSC shall reserve the right to consider the appointment of additional temporary co-opted members in order to bring specialist knowledge onto the committee to inform specific work streams or agenda items. Any co-opted member appointed will not have a vote.
21. The five Healthwatch organisations shall be recognised as key stakeholders and a standing item will be included on the JHOSC agenda to allow the organisations to report back on patient and public views from across the ICS.

#### **Chair & Vice Chair**

22. The Chair of the JHOSC shall be drawn from the members of it and will normally be filled by the member whose authority is hosting the Committee for a period of 24 months.
23. The Vice Chair of the JHOSC shall be drawn from members on the Committee and elected every 24 months.

#### **Task & Finish Groups**

24. The Committee may appoint such Working Groups 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 Working Groups will be made by the Committee, ensuring political and geographical balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

#### **Committee support**

25. The work of the JHOSC will require support in terms of overall coordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.
26. Meetings of the committee are to be arranged and held by the host authority.
27. Should a press statement or press release need to be made by the JHOSC, this will be approved by all authorities before being signed off by the Chair.

**Joint Health Overview and Scrutiny Committee (Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham) Draft Terms of Reference – version B with proposed changes visible for ease of reference**

**Purpose**

1. Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority (according to patient flow), the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
2. The NHS Long-Term Plan (published at the beginning of 2019) sets out the vision and ambition for the NHS for the next 10 years. It states - "Every Integrated Care System will need streamlined commissioning arrangements to enable a single set of commissioning decisions at system level." The purpose of the JHOSC would be to hold to account and challenge these commissioning decisions at system level. This function would be new and a different part of local health scrutiny arrangements. The powers and duties of health scrutiny would remain unchanged at Place, [Locality](#) and Neighbourhood level (see definitions below) ~~and, in recognition of the slight differences across the ICS footprint, also, at Locality level.~~ The creation of a JHOSC to scrutinise system level decisions would strengthen existing scrutiny arrangements.
3. These terms of reference set out the arrangements for Buckinghamshire Council, Oxfordshire County Council, Reading Borough Council, West Berkshire Council, Wokingham Borough Council, to operate a JHOSC in line with the provisions set out in legislation and guidance and to allow it to operate as a mandatory committee.

**Terms of Reference**

4. The new JHOSC will operate formally as a mandatory joint committee i.e. where the councils have been required under Regulation 30 (5) Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of providing independent scrutiny to activities delivered at system level (as detailed below) by the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System.
5. The Kings Fund published a report in April 2020 "Integrated Care Systems explained: making sense of systems, places and neighbourhoods" which says that NHS England and NHS Improvement has adopted the terminology used in some systems to describe a three tiered model – System, Place and Neighbourhood:-
  - System - typically covering a population of 1–3 million people. Key functions include setting and leading overall strategy, managing collective resources and

performance, identifying and sharing best practice to reduce unwarranted variations in care, and leading changes that benefit from working at a larger scale such as digital, estates and workforce transformation.

- Place – a town or district within an ICS, typically covering a population of 250-500,000. This is where the majority of changes to clinical services will be designed and delivered and where population health management will be used to target intervention to particular groups. At this level, providers may work together to join up their services through alliances and more formal contractual arrangements.
- Neighbourhood – a small area, typically covering a population of 30-50,000 where groups of GPs and community-based services work together to deliver co-ordinated, pro-active care and support, particularly for groups and individuals with the most complex needs. Primary Care Networks and multi-disciplinary community teams form at this level.

6. In addition, a fourth Locality tier operates below the 'Place' tier, but only within Berkshire West. These Localities coincide with the individual local authorities of Reading Borough Council, West Berkshire Council and Wokingham Borough Council and reflect the geography of their Health and Wellbeing Boards and Public Health, Adult Services and Children's Services functions. Joint working with Health Services also takes place at this level, e.g. through Locality Integration Boards.

6.7. Activities at Place, Locality and ~~and~~ Neighbourhood ~~(and Locality)~~ would be scrutinised by the relevant local authority through their existing health scrutiny arrangements.

7.8. The purpose of the mandatory JHOSC across Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham is to:

- a. make comments on the proposal consulted on
- b. require the provision of information about the proposal
- c. gather evidence from key stakeholders, including members of the public
- d. require the member or employee of the relevant health service to attend before it to answer questions in connection with the consultation.
- e. Refer to the Secretary of State only on where it is not satisfied that:
  - consultation on any proposal for a substantial change or development has been adequate in relation to content or time allowed (NB. The referral power in these contexts only relates to the consultation with the local authorities, and not consultation with other stakeholders)
  - the proposal would not be in the interests of the health service in the area
  - a decision has been taken without consultation and it is not satisfied that the reasons given for not carrying out consultation are adequate.

~~8-9.~~ Notwithstanding point (e) above, Member authorities have the right to refer an issue to the Department of Health if the joint health scrutiny committee does not collectively agree to refer an issue.

~~9-10.~~ With the exception of those matters referred to in paragraph [ 3 ] above responsibility for all other health scrutiny functions and activities remain with the respective local authority Health Scrutiny Committees.

~~10-11.~~ The process for determining the appropriate level of scrutiny – ie. System or Place/Locality/Neighbourhood/Locality will be in accordance with an agreed toolkit which will set out the process for initiating early dialogue between ICS Leads and the Members of the JHOSC. All constituent authorities will be notified of the outcome of those discussions.

~~11-12.~~ No matter to be discussed by the Committee shall be considered to be confidential or exempt without the agreement of all Councils and subject to the requirements of Schedule 12A of the Local Government Act 1972.

### Governance

~~12-13.~~ Meetings of the JHOSC will be conducted under the Standing Orders of the Local Authority hosting and providing democratic services support and subject to these terms of reference.

### Frequency of meetings

~~13-14.~~ The JHOSC will meet at least twice a year with the Integrated Care System Leads to ensure oversight of key priorities and deliverables at system level.

### Host authority

~~14-15.~~ The JHOSC would be hosted by one of the named authorities. The role of host authority would be undertaken by the chairing authority for the same time period [24 months].

### Membership

~~15-16.~~ Membership of the JHOSC will be appointed by Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham that have responsibility for discharging health scrutiny functions.

~~16-17.~~ Appointments to the JHOSC have regard to the proportion of patient flow. The Joint Committee will therefore have 19 members, consisting of 6 from Buckinghamshire, 7 from Oxfordshire, 2 from Reading, 2 from West Berkshire, 2 from Wokingham.

~~17-18.~~ Appointments by each authority to the JHOSC will reflect the political balance of that authority.

~~18-19.~~ The quorum for meetings will be 6 voting members, comprising at least one member from each authority. Member substitutes from each authority will be accepted.

~~20.~~ ~~The JHOSC shall appoint two co-opted members to the committee<sup>1</sup>.~~ The JHOSC shall ~~also~~ reserve the right to consider the appointment of additional temporary co-opted members in order to bring specialist knowledge onto the committee to inform specific work streams or agenda items. Any co-opted member appointed will not have a vote.

~~19-21.~~ The five Healthwatch organisations shall be recognised as a key stakeholders and a standing item will be included on the JHOSC agenda to allow the organisations to report back on patient and public views from across the ICS.

### ~~Chairman~~Chair & ~~Vice-Chairman~~Vice Chair

~~20-22.~~ The ~~Chairman~~Chair of the JHOSC shall be drawn from the members of it and will normally be filled by the member whose authority is hosting the Committee for a period of 24 months.

~~21-23.~~ The ~~Vice-Chairman~~Vice Chair of the JHOSC shall be drawn from members on the Committee and elected every 24 months.

### Task & Finish Groups

~~22-24.~~ The Committee may appoint such Working Groups 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 Working Groups will be made by the Committee, ensuring political and geographical balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

### Committee support

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<sup>1</sup> *There is provision for two co-opted members on the BOB HOSC. One of these places will be offered to Healthwatch to represent patients and the public; it will be for Healthwatch across the BOB geography to discuss and determine whether this is the most effective way to have patient and public views feeding into the committee. If co-opted membership is deemed not to be the most appropriate role for Healthwatch; a standing item on BOB HOSC agendas will be created to allow for Healthwatch to report patient and public views across the ICS. Vacant co-opted seats on the committee will be advertised and appointed to by the BOB HOSC committee as necessary.*

~~23-25.~~ The work of the JHOSC will require support in terms of overall coordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.

~~24-26.~~ Meetings of the committee are to be arranged and held by the host authority.

~~25-27.~~ Should a press statement or press release need to be made by the JHOSC, this will be approved by all authorities before being signed off by the ~~Chairman~~Chair.

DRAFT



**Divisions Affected: N/A**

## **COUNCIL – 23 MARCH 2021**

### **INTERIM ARRANGEMENTS FOR TAKING EMERGENCY DECISIONS IMMEDIATELY FOLLOWING THE COUNTY COUNCIL ELECTIONS**

**Report by Director of Law & Governance and Monitoring Officer**

#### **RECOMMENDATION**

Council is **RECOMMENDED** to agree a temporary variation to Part 7.1 of the Constitution Specific Powers and Functions of Particular Officers with effect that from 10 May to 18 May 2021 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 and the Leader, as appropriate.”**

#### **Introduction**

1. This report seeks approval to a temporary variation to the delegated powers of the Chief Executive to aid effective decision making in the period between the retirement of councillors following the elections in May and the Annual Council meeting on 18 May 2021.

#### **Background**

2. 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 10 May 2021) 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 and the Leader (for each of 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 18 May 2021. 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.
3. 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 confirmed until 18 May 2021 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 and the Leader.

### **Financial Implications**

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

### **Legal Implications**

5. The recommendation supports the formal, effective and timely decision-making process following the retirement of councillors and prior to the Annual Council meeting.

### **Equality & Inclusion Implications**

6. There are no equality and inclusion implications raised directly by the recommendations in this report.

### **ANITA BRADLEY**

Director of Law & Governance and Monitoring Officer

Contact Officer: Glenn Watson  
Principal Governance Officer  
Telephone: 07776 997946

March 2021

**Divisions: N/A**

**COUNCIL – 23 MARCH 2021**

## **MEMBERS CODE OF CONDUCT – DECISION NOTICE**

**Report by the Director of Law & Governance and Monitoring Officer**

### **RECOMMENDATION**

**The Council is RECOMMENDED to note the decision of the Interim Monitoring Officer with regard to a Members' Code of Conduct Complaint concerning Cllr Liam Walker.**

### **Executive summary**

1. This report notifies Full Council of a decision by the then Interim Monitoring Officer on the outcome of a Member Code of Conduct complaint, following the meeting of a Members' Advisory Panel in December last year.

### **Background**

2. On 19 October 2020, Cllr Walker, then also Cabinet Member for Highways Improvement, endorsed an offensive tweet during the course of an exchange on social media about cycling. The Interim Monitoring Officer at the time received 11 complaints from members of the public and so engaged the Council's *Arrangements for Dealing with Complaints Against Members*. This was to ascertain whether the Members' Code of Conduct had been breached and, if so, what remedy, permitted by the *Arrangements*, was appropriate.

### **Outcome**

3. In giving advice to the Interim Monitoring Officer (summarised in the Annex), a two-person Members' Advisory Panel confirmed their view that a breach of the Code had occurred and additionally recommended to the Monitoring Officer that the Leader be asked remove Cllr Walker from the Cabinet and that Full Council be informed of the outcome of the matter.
4. The Interim Monitoring Officer's Decision Notice, accepting the Panel's view, (and that of the Independent Person), is given in the Annex to this report. The decision was that:
  - 1) Cllr Walker's actions in endorsing the tweet were a breach of the Members' Code of Conduct;
  - 2) The breach was rendered particularly serious given Cllr Walker's status as Cabinet Member for Highways; and given that Cllr Walker had previously been found in breach of the Code for a misuse of social media;

- 3) Accordingly, the Leader of the Council be recommended to remove Cllr Walker from the Cabinet with effect from 1 January 2021; and that Full Council receive note of the Panel's view.
5. Following the issuing of the Decision Notice, Cllr Walker resigned from the Cabinet.

### **Legal, Financial and Equalities Implications**

6. The Council is under a legal duty to promote high standards of conduct among members and co-opted members, to maintain a Member Code of Conduct and to operate procedures for addressing any complaints about a potential breach of the Code. This report reflects on the outworking of a complaint made under the Code and the *Arrangements* for addressing them. The recommendations in the report are not themselves considered to raise any legal, financial or equalities implications.

### **Conclusion**

7. This was the first time, under the current standards regime, that the convening of a Members' Advisory Panel was considered appropriate. The Council's *Arrangements for Investigating Complaints Against Councillors* proved effective in achieving a resolution, both in terms of their availability to the public wishing to make a complaint, and to their intended purpose of maintaining high standards of conduct. Creating public confidence in the Council's commitment to such standards is essential.

#### **ANITA BRADLEY**

Director of Law & Governance and Monitoring Officer

Contact Officer:

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07776 997946

March 2021

## **Decision Notice by the Monitoring Officer – 15 December 2020 Complaint against County Councillor Liam Walker**

On 19 October 2020, Cllr Liam Walker (member for Hanborough & Minster Lovell and Cabinet Member for Highways) endorsed an offensive and derogatory tweet by a member of the public during a discussion of public cycling policy.

11 complaints were received by the Monitoring Officer. The Monitoring Officer considered these complaints under the County Council's [Arrangements for Dealing with Complaints Against Members](#). The question at issue was whether Cllr Walker's actions had breached the [Members' Code of Conduct](#) and, if so, what if any appropriate sanctions should be proposed.

In considering the matter, the Monitoring Officer sought the advice of an Independent Person appointed by the Council for such purposes. The Monitoring Officer was also mindful that Cllr Walker had previously been found in breach of the Code for a misuse of social media. Given the nature of the complaints and of this wider context, the Monitoring Officer convened a meeting of a Members' Advisory Panel to advise him further. The Independent Person supported these conclusions.

### **Members' Advisory Panel**

Under the *Arrangements for Dealing with Complaints Against Members*, the Panel was formed from councillor members of the Audit & Governance Committee, with members drawn from at least two political parties.

The two-person Panel met to consider the matter on Friday 11 December 2020. Cllr Walker was invited to attend the Panel but did not choose to do so due to work commitments and did not submit any written information. The Panel was unanimous in advising the Monitoring Officer of their view that, on the basis of the evidence:

- The actions complained about by Cllr Walker were a breach of the Members' Code of Conduct;
- Given Cllr Walker's status as Cabinet Member for Highways, the breach was particularly serious. As such, and given the context of a previous breach regarding social media, the Monitoring Officer be advised to adopt the sanction whereby the Leader of the Council be asked to remove Cllr Walker from the Cabinet; and that the Panel's views be reported to Full Council;
- The Panel considered it regrettable that Cllr Walker had not taken the opportunity to attend or to provide any written comments to the Panel. Cllr Walker had said he could not attend due to work commitments; and was not aware that written comments were possible.

### **Decision of the Monitoring Officer**

**Taking the above into account, the Monitoring Officer finds that:**

- 1. Cllr Walker's actions in endorsing the tweet were a breach of the Members' Code of Conduct.**
- 2. The breach was rendered particularly serious given Cllr Walker's status as Cabinet Member for Highways; and given that Cllr Walker had previously been found in breach of the Code for a misuse of social media;**

- 3. Accordingly, the Leader of the Council be recommended to remove Cllr Walker from the Cabinet with effect from 1 January 2021; and that Full Council receive note of the Panel's view.**

**Steve Jorden  
Interim Monitoring Officer  
Oxfordshire County Council**