

## **STRATEGY & PARTNERSHIPS SCRUTINY COMMITTEE**

**17 January 2013**

### **IMPROVED MEMBER ENGAGEMENT & STREAMLINED GOVERNANCE**

#### **The opportunity – ‘less bureaucracy, more engagement’**

1. The Localism Act 2011 creates new freedoms for Local Authorities to consider for themselves, the best framework for decision making in the Council and new ways to increase member involvement.
2. In Oxfordshire the Leader / Cabinet model has been successful in enabling quick decision making and strong leadership. However the limitations of the current scrutiny system have meant that we haven't been able to fully enable backbench members to influence and engage in key decisions and policy developments linked to the business of the Council.
3. At a local level there has been positive feedback about the engagement enabled by Locality Meetings. In the most recent round of meetings members were able to influence the commissioning of day centres and local highways spend. These meetings give all councillors a real sense of their ability to steer the development of services in their own area, and ensure services are relevant to the local communities which they know best.
4. A smaller council, both in terms of councillors and staff, places increased importance on reducing the bureaucracy and administration associated with organisational decision making. The current system produces twice as much paperwork than other councils (CIPFA benchmarking data) it is no longer possible, or appropriate, to sustain this level of bureaucracy. To reduce current levels of bureaucracy it is proposed that we streamline the existing committee structure to focus on key issues and accountability.
5. A cross party scrutiny working group was commissioned by the cabinet to consider the council's current governance arrangements. They consulted all members and visited a number of other authorities. A member survey highlighted the following issues they would like to see addressed:
  - More opportunities to be involved in, or influence, issues prior to final decision making
  - Working groups able to contribute to policy development
  - Improved information flows between members and officers
6. The working group have made the following proposals:

#### ***i. Amendments to current structure***

##### **Cabinet Advisory Groups**

- To strengthen backbench member involvement in policy development and ensure their engagement is focused on matters that are important

to the Council, it is proposed that the Cabinet commission a number of Cabinet Advisory Groups to explore key policy issues and make recommendations to Cabinet before decisions are taken. The intention is to provide closer alignment with the business of the Council. Current corporate priorities that could be possible advisory group topics include universal to targeted services for children and the customer service centre.

### **Transport Advisory Panel**

- As transport is an issue which generates high levels of local interest it is proposed that a standing Transport Cabinet Advisory Panel is created (new governance model is outlined in annex 1). The aim is to involve more members on important strategic transport matters whose expertise will then be of direct benefit to the decision making process.

### **Changes to Scrutiny**

- It is proposed that the number of scrutiny committees is reduced from 6 to 3; as outlined below:

- **Performance Scrutiny**

As resources become increasingly stretched it is vital that council services are performing effectively and maximising the positive impact they have on local people's lives. The council service delivery landscape is complex with a number of large scale contracts and much is delivered in partnership with others.

It is essential for members to maintain a firm grip on Council performance, to identify weaknesses and monitor progress, holding officers to account. It is proposed that a new scrutiny committee is created to specifically focus on how well the Council is serving its community. This committee would maintain an overview of performance priorities, performance monitoring and key performance indicators. In doing so it will ensure that members have direct access to service managers and develop a greater understanding of the operation of the Council.

The Audit & Governance Committee is regarded as being effective in addressing weaknesses in the internal financial and governance controls of the Council. It is therefore proposed that the Performance Scrutiny Committee would undertake a similar function in relation to areas of concern on performance.

It would also deal with call in and have arrangements in place for budget scrutiny.

▪ **Health Overview and Scrutiny Committee (HOSC)**

The Health Overview and Scrutiny Committee is regarded by members and officers as having a strong track record in effectively holding external health providers to account. It has statutory responsibility for reviewing proposed important changes in the health service and is a formal consultee with decision making powers. This role has now been expanded to incorporate an overview of the effectiveness of the Health and Wellbeing Board. It is recommended that this important committee remains in place.

▪ **Education Scrutiny**

The move towards independent academies fundamentally changes the role of the Council from being the main provider of education to becoming a champion for good outcomes for Oxfordshire's children; holding schools and academies to account for their academic performance. Building on the successful model of HOSC it is proposed that a similar external facing scrutiny committee considers all matters relating to education.

It is essential that the Council has in place new arrangements to effectively discharge its revised role and responsibilities for our children's education.

**Democracy & Organisation Committee (DOC)**

- DOC meets very rarely yet remains a formal committee which requires full service support. It is felt that this work could be readily undertaken by other committees thereby reducing bureaucracy with no loss of efficiency. It is therefore proposed that DOC should be abolished and its functions and sub groups moved to other more appropriate bodies including Council, the Remuneration Committee and Audit & Governance committee. (These are set out in more detail in Annex 2).

*ii. Locality Working*

Local members are actively engaged with town and parish councils, local community groups and individuals. Currently the local understanding and intelligence members hold is not always used effectively to inform and influence how the council develops and delivers services.

Locality Meetings and devolved budgets (Councillor Community Budgets and Area Stewardship Fund) are an effort to address this and have been

well received by members. Service managers are keen to build on this model as they value the tangible feedback and information on real issues that members provide. Strengthening and expanding these meetings enables local members to have a discernible impact on services and forge essential working relationships with officers directly involved in those services.

It also provides the chance to strengthen the way in which information gathered through town and parish engagement and locality meetings feeds into more strategic discussions with districts via bilateral meetings and the Oxfordshire Leaders Group (the model is outlined in annex 3).

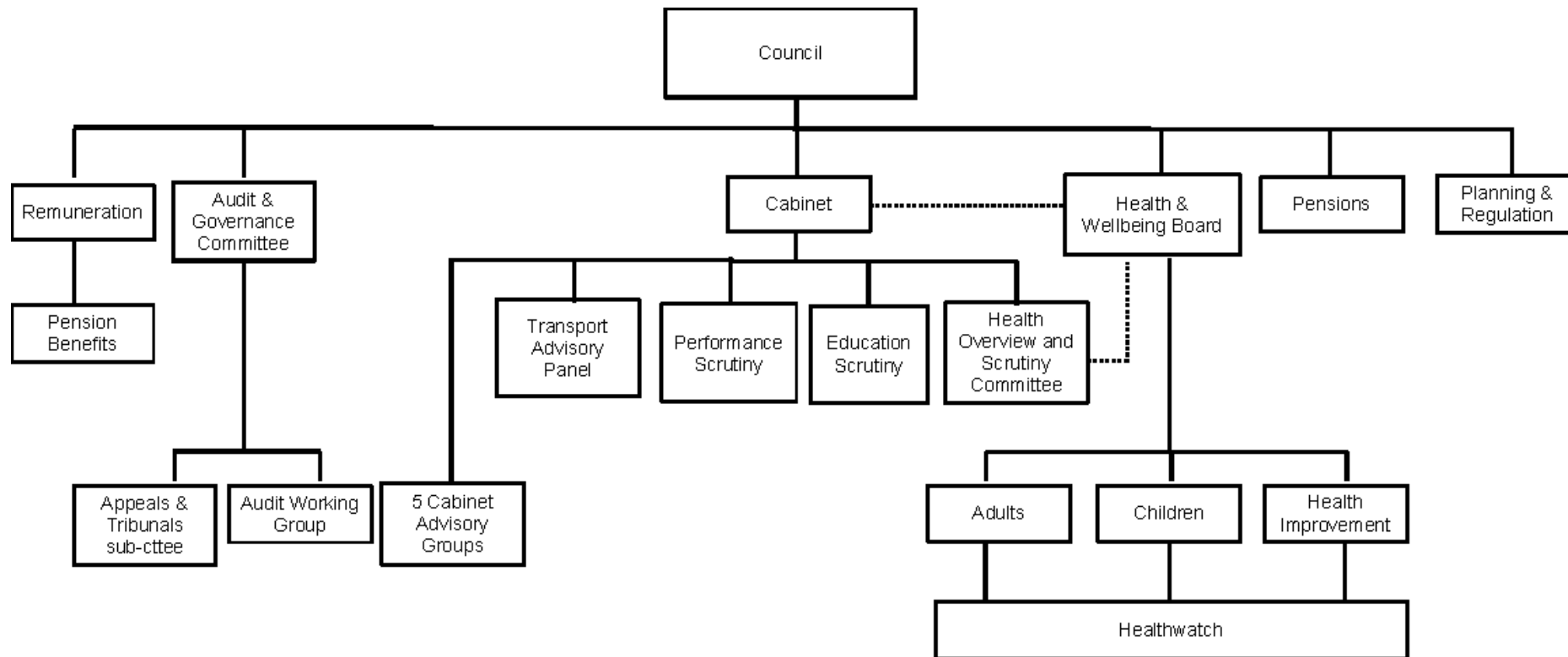
The changes to electoral boundaries and the reduction in members requires the Council to reconsider its own locality boundaries. Attached at Annex 4 are two maps, the first showing the current locality structure and the impact of the boundary changes on it, the second showing how we might realign locality boundaries to reflect the changes to electoral boundaries. Localities have been revised with an aim to keep the number of members similar in each area and be broadly coterminous with division boundaries. A reduction in the number of localities reduces the bureaucratic burden and ensures effective officer support is available to all members.

## **Recommendations**

7. The Strategy & Partnerships Committee is asked to comment on the following recommended changes to the council's governance arrangements:
  - a. Reduction in number of scrutiny committees from 6 to 3.
  - b. Creation of a Transport Advisory Panel.
  - c. Cabinet to commission a number of Cabinet Advisory Groups each year focused on policy development.
  - d. Democracy & Organisation Committee abolished.
  - e. Strengthen the role and influence of locality working, and information flows to and from Locality Meetings.
8. The steps to agree these recommendations, if supported by the committee, are outline in Annex 5.

Peter Clark & Alexandra Bailey  
17 January 2013

**ANNEX 1 – PROPOSED GOVERNANCE MODEL**



**ANNEX 2 – Proposed re-alignment of functions of the Democracy & Organisation Committee**

<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b><i>New committee</i></b>
(1) The functions relating to elections specified in Section D of Schedule 1 to the Functions Regulations.	<p>6. Duty to appoint returning officer for local government elections.</p> <p>9. Power to divide electoral divisions into polling districts at local government elections.</p> <p>10. Powers in respect of holding of elections.</p> <p>13. Duty to declare vacancy in office in certain cases.</p> <p>14. Duty to give public notice of a casual vacancy.</p> <p>16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.</p> <p>17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.</p> <p><b>NB in practice only one report per year goes to DOC on election matters and that is on the scale of fees for the next year.</b></p>	<p>Audit and Governance</p> <p><i>Rationale: fits with the need for overarching governance arrangements to; and the annual reports on scale of fees fit with the role of monitoring the use of council resources</i></p>
(2) The functions relating to name and status of areas and individuals specified in Section E of Schedule 1 to the Functions Regulations.	<p>1. Power to change the name of a county, district or London borough.</p> <p>3. Power to confer title of honorary alderman or to admit to be an honorary freeman.</p>	<p>Council</p> <p><i>Rationale: civic and ceremonial issue affecting the identity and representation of the Council and the community</i></p>
(3) The functions in relation to the designation of particular officers for certain purposes specified in Paragraphs 39, 40, 43 and 44 in Section I of	<p>39. Duty to make arrangements for proper administration of financial affairs etc. (Section 151 of the Local Government Act 1972.)</p> <p>40. Power to appoint officers for particular purposes (appointment of "proper officers"). (Section 270 of the Local Government Act 1972)</p> <p>43. Duty to designate officer as the head of the authority's</p>	<p>Remuneration Committee</p> <p><i>Rationale: Fits with the committees existing remit of making appointments of senior staff and key posts.</i></p>

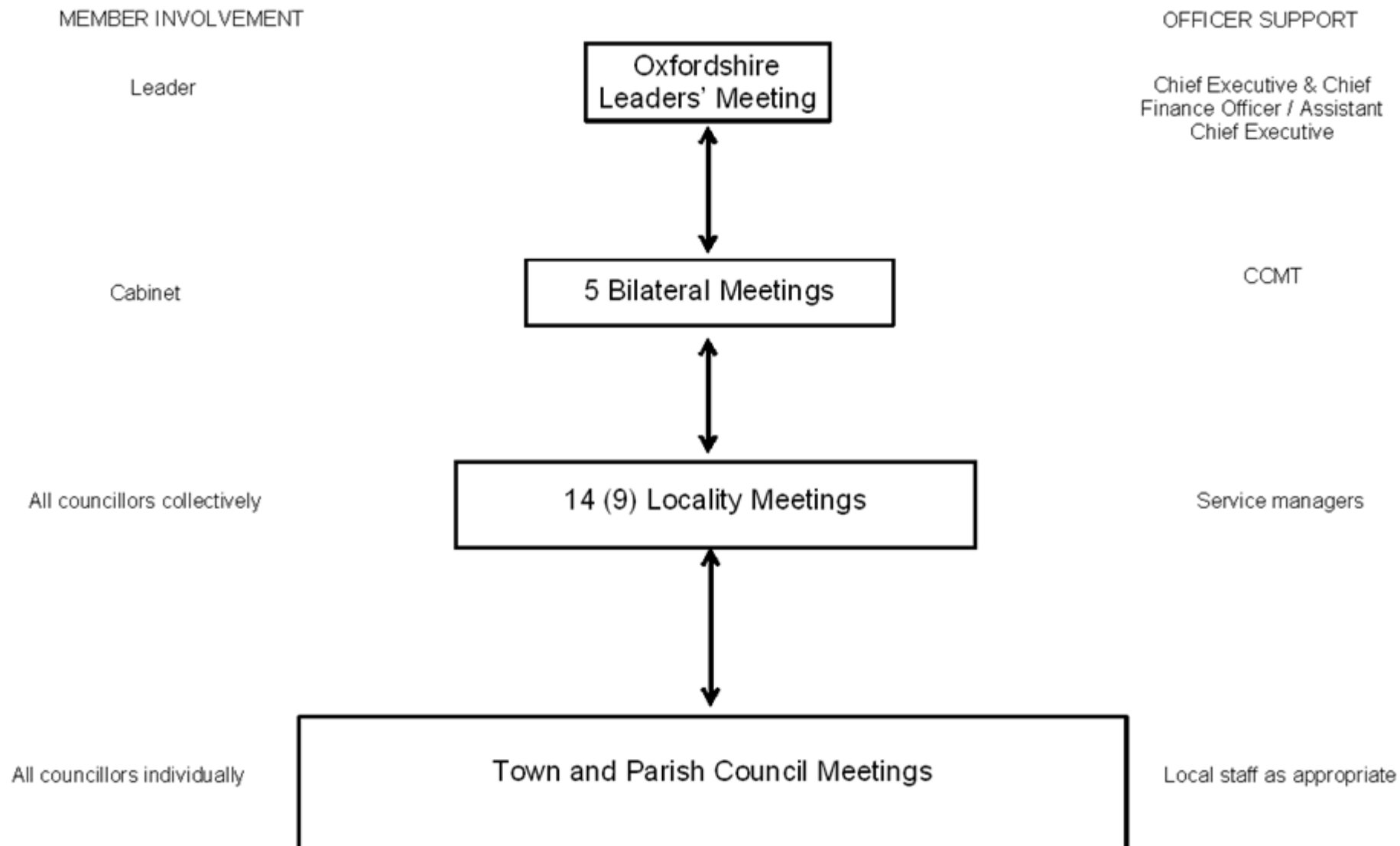
Democracy & Organisation TOR	What this means under the Function Regulations	<i>New committee</i>
Schedule 1 to the Functions Regulations.	paid service, and to provide staff, etc. (Section 4(1) of the Local Government and Housing Act 1989 (c. 42).) 44. Duty to designate officer as the monitoring officer, and to provide staff, etc (Section 5(1) of the Local Government and Housing Act 1989.)	
(4) The functions in relation to the appointment etc of staff specified in Paragraph 37 in Section I of Schedule 1 to the Functions Regulations.	37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). (Section 112 of the Local Government Act 1972.)	Remuneration Committee  <i>Rationale: fits with the existing role of determining exactly these things for <u>senior</u> staff</i>
(5) The determination of appeals against decisions made by or on behalf of the authority as specified in Paragraph 2 of Schedule 2 to the Functions Regulations.	The determination of an appeal against any decision made by or on behalf of the authority.	Appeals & Tribunals Sub-Committee  To be a sub-committee of A&G Committee <i>Rationale: fits with the checks-and-balances role of Audit &amp; Governance. To be chaired by a member of the A&amp;G Committee but to be comprised by other members of the Council (effectively those specifically interested in appeals work)</i>
(6) In the case of any office or body which has not been identified by the Cabinet and endorsed by the Council as strategic, the functions relating to appointment of individuals to offices	19. The appointment of any individual - (a) to any office other than an office in which he is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Remuneration Committee  <i>Rationale: fits generally with the committee's existing powers of making appointments.</i>

<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b><i>New committee</i></b>
<p>or bodies as specified in Paragraph 19 of Schedule 2 to the Functions Regulations.</p>		
<p>(7) In the case of matters for which the Cabinet is not responsible, the making of agreements with other local authorities for the placing of staff at the disposal of those other authorities as specified in Paragraph 20 of Schedule 2 to the Functions Regulations.</p>	<p>20. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>Remuneration Committee</p> <p><i>Rationale: fits generally with the committee's existing powers of making appointments</i></p>
<p>(8) The functions relating to Local Government Pensions for which the Pension Fund Committee is not responsible.</p>	<p>Functions in relation to pensions (including the determination as employing authority of the benefits for individual applications for early retirement) – other than the following (which are the responsibility of the Pension Fund Committee):</p> <ul style="list-style-type: none"> <li>• Functions relating to local government pensions, etc arising from Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)[52].</li> <li>• Division of Oxfordshire Pension Fund under Section 21 of the Oxfordshire Act</li> <li>• Functions in relation to the Firemen's Pension Scheme including: <ul style="list-style-type: none"> <li>○ <i>Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained</i></li> </ul> </li> </ul>	<p>Remuneration Committee Via Pension Benefits Sub-Committee</p> <p><i>Rationale: sits with the broad remit of remuneration for officers</i></p> <p>Pension Benefits Sub-Committee currently comprises chairman, deputy, and spokesperson of DOC, but could as easily comprise:</p> <ul style="list-style-type: none"> <li>• A member of Remuneration Committee (or substitute)</li> <li>• Two other members of council</li> </ul>

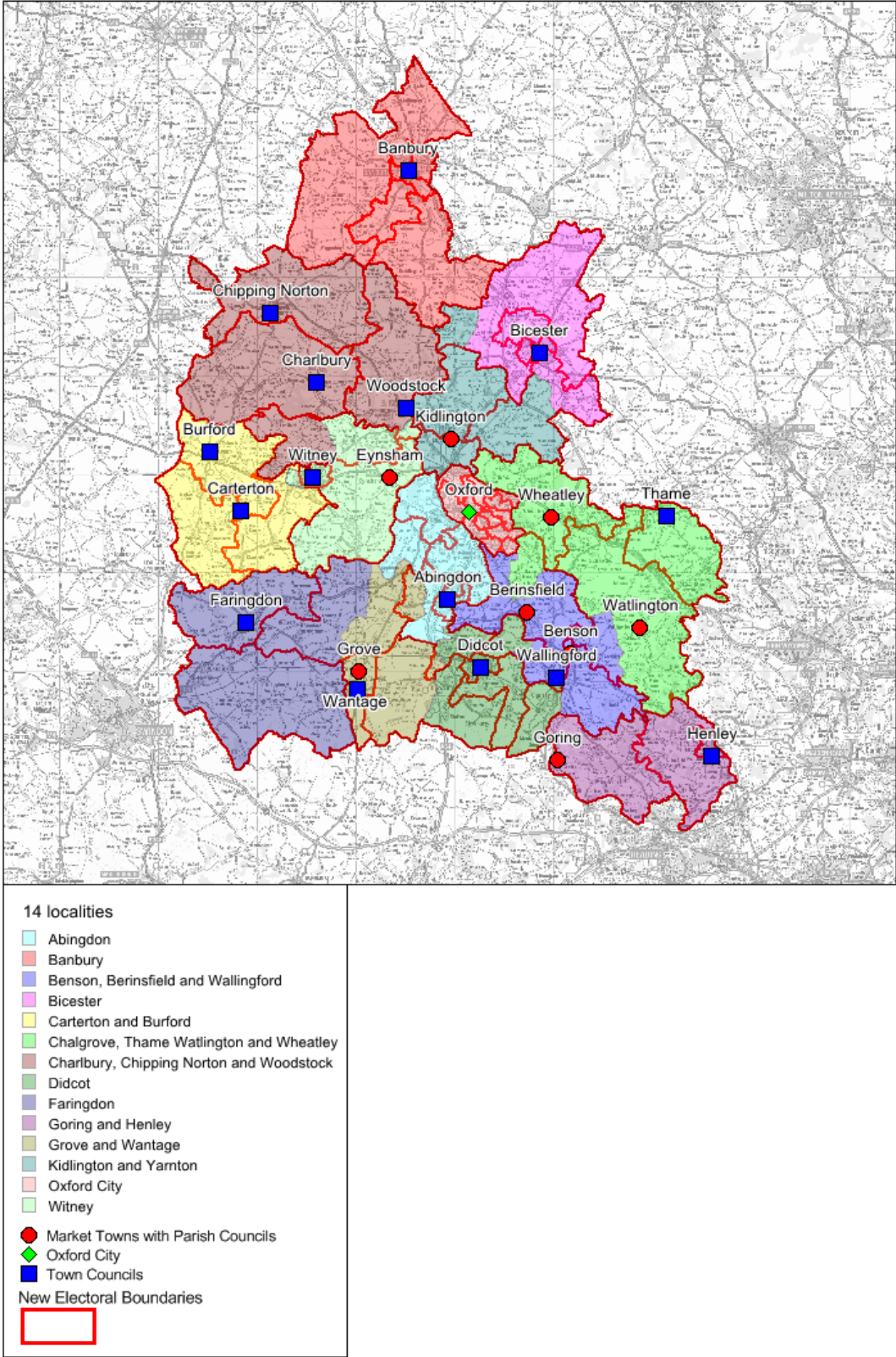


Democracy & Organisation TOR	What this means under the Function Regulations	<i>New committee</i>
	<i>pursuant to section 4 of the Fire Services Act 1947.</i>	
(9) The making, amending and revoking of byelaws in accordance with Part XI of the Local Government Act 1972, as amended by the Local Government and Public Involvement in Health Act 2007.	This was delegated from Council to Democracy & Organisation Committee during 2011/12	Council  <i>Rationale: this came from Council to DOC in 2011/12 and could easily revert back to Council given the civic nature of this issue and the lack of frequency of it.</i>
(10) Formal sub-committees of DOC	<p><u>Appeals Sub</u> To hear and determine appeals in cases where the relevant procedure rules require this function to be performed by a formally constituted committee or sub-committee.</p> <p><u>Tribunal appeals</u> To hear and determine appeals in other cases under the relevant procedure rules</p> <p><u>Fire service discipline sub-committee</u> To act as the disciplinary tribunal hearing and determining cases against principal officers in the first instance in accordance with the provisions of the Fire Service (Discipline) Regulations 1985.</p>	<p>Re-name as: Appeals &amp; Tribunals Sub-Committee and to be a formal sub-committee of Audit &amp; Governance Committee</p> <p><i>Rationale: fits with the checks-and-balances role of A&amp;G.</i></p> <p><i>Merge the currently separate ‘appeals sub’, ‘tribunals panel’ and ‘Fire Service Discipline Sub’ of DOC to remove layers of bureaucracy and to build expertise and skills in appeals/tribunal hearings – which require same training and approach.</i></p> <p><i>But future membership could simply be:</i></p> <ul style="list-style-type: none"> <li>• A member of DOC</li> <li>• Two other members of council (one being a cabinet member in the case of Fire Service Discipline issues)</li> </ul>

**ANNEX 3 – Member involvement and information flows**

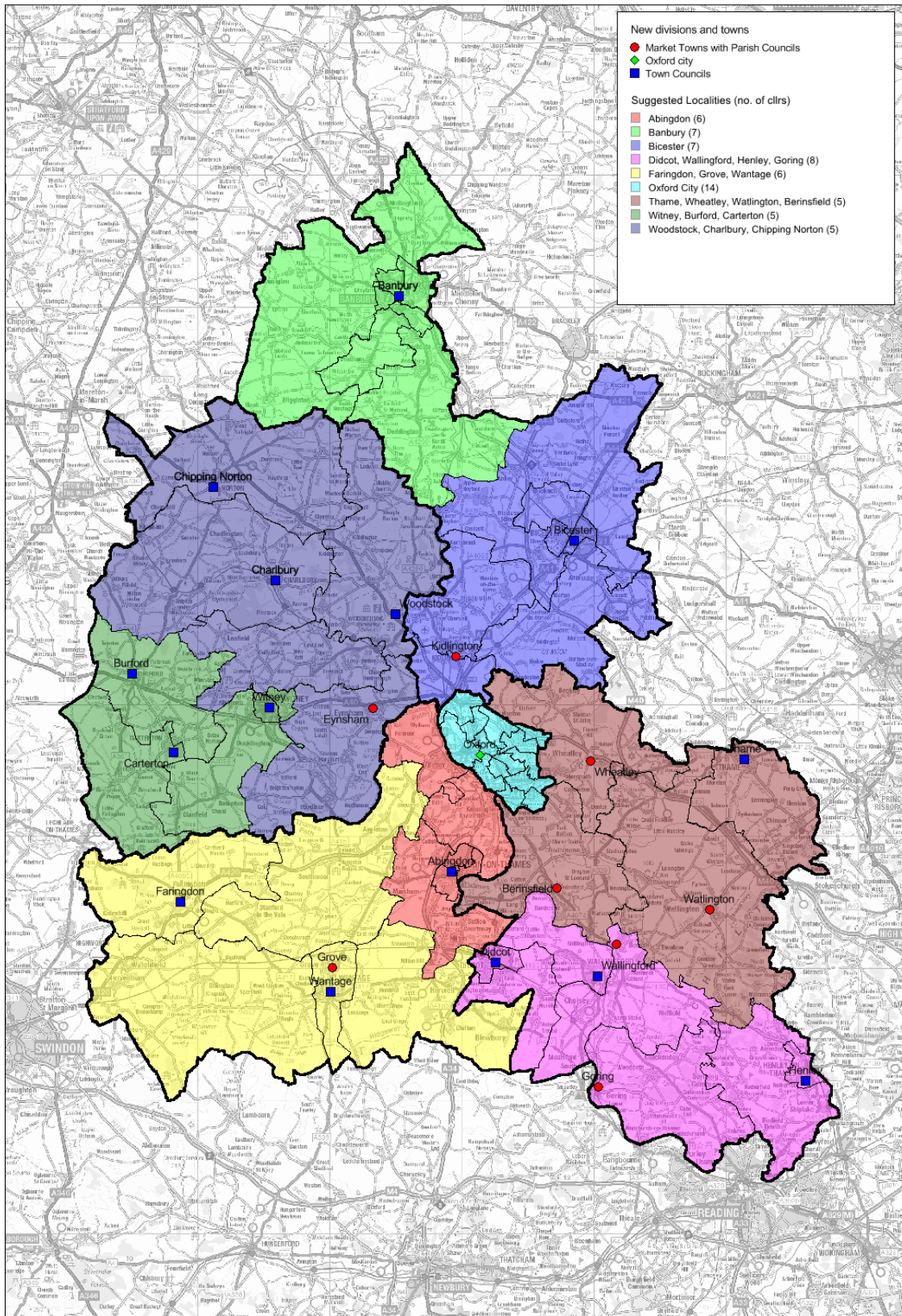


**ANNEX 4 – Map 1: CURRENT LOCALITIES & NEW DIVISION BOUNDARIES**





**ANNEX 4: Map 2 - PROPOSED LOCALITIES 2013**



**ANNEX 5 – Timescales**

<b>Key date</b>	<b>Meeting / Purpose</b>
17 <sup>th</sup> January	Strategy & Partnerships Scrutiny Committee - Consider outline report to Cabinet
Late January	Meeting between Cabinet and Scrutiny Chairmen - Cabinet to share their perspective
25 <sup>th</sup> February	Strategy & Partnerships Scrutiny Committee - Agree final report to Cabinet
19 <sup>th</sup> March	Cabinet - Receive recommendations from Strategy & Partnerships and wider governance review
2 <sup>nd</sup> April	County Council - Receives Cabinet endorsed recommendations of governance review.