



County Council

15 May 2018

Agenda

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

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

Whose Interests must be included?

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

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

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

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

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

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

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

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

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

List of Disclosable Pecuniary Interests:

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

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

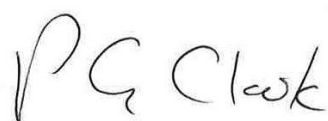
If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

To: **Members of the County Council**

Notice of a Meeting of the County Council

Tuesday, 15 May 2018 at 10.30 am

Council Chamber - County Hall, New Road, Oxford OX1 1ND



P.G. Clark
Chief Executive

May 2018

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

In order to comply with the Data Protection Act 1998, notice is given that the 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.

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

A buffet luncheon will be provided

AGENDA

- 1. Election of Chairman for the 2018/19 Council Year**
- 2. Election of Vice-Chairman for the 2018/19 Council Year**
- 3. Minutes (Pages 1 - 22)**

To approve the minutes of the meeting held on 27 March 2018 (**CC1**) and to receive information arising from them.

4. Apologies for Absence

5. 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.

6. Petitions and Public Address

7. Official Communications

8. Response to the Secretary of State and Independent Reconfiguration Panel Recommendations (Pages 23 - 28)

Report by the Director for Law and Governance & Monitoring Officer (**CC8**).

The report outlines the suggested response for Oxfordshire County Council to respond to the Secretary of State and Independent Reconfiguration Panel (IRP) recommendations in relation to the closure of consultant-led maternity services at the Horton General Hospital.

Council is RECOMMENDED to:

- (a) agree to establish a Health Scrutiny Committee with Northamptonshire and Warwickshire County Councils with the express purpose of responding to the consultation for substantial reconfiguration of consultant-led obstetric services at the Horton General Hospital;**
- (b) delegate to the joint committee, this Council's power to refer any such consultation to the secretary of state;**
- (c) delegate to the Monitoring Officer and the Director of Public Health in consultation with the Chairman of Oxfordshire Joint HOSC, the power to finalise and agree the Terms of Reference for the new Joint HOSC based on the draft at Annex A.**

9. Oxfordshire Health and Wellbeing Board Function and Governance Review: Proposal for Consideration and Decision by the Board (Pages 29 - 40)

The report sets out proposals for strengthening the Health and Wellbeing Board (HAWB), having taken account of the views of Board members, a wide range of partners and the views expressed recently by the Care Quality Commission.

On 10 May 2018, the Health and Wellbeing Board will be asked to endorse the proposed changes and authorise the Director of Public Health and the Director of Law & Governance, in consultation with the Chairman and Vice-Chairman of the Health & Wellbeing Board to amend the Terms of Reference as necessary for approval by Full Council.

The Terms of Reference will be circulated to all members of the Council following the meeting on 10 May 2018.

Council is RECOMMENDED to approve the Terms of Reference for the Health & Wellbeing Board.

10. Committees and Review of Political Balance (Pages 41 - 54)

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

The Council is required by the Local Government & Housing Act 1989 to review the political balance on its committees on an annual basis. The report sets out how the rules operate and seeks approval for adjustments which are necessary to achieve the balance across and within committees to comply with the rules.

The Council is RECOMMENDED:

- (a) to confirm the political balance on committees shown in Annex 2 to the report;
- (b) to appoint to committees the councillors and co-opted members shown in Annex 3, subject to any changes reported in any amended schedule and at the meeting; and
- (c) to note the executive appointments in Annex 3 in relation to Oxfordshire Growth Board scrutiny arrangements and advisory sub groups.

11. Cabinet Membership and Delegation of Cabinet Functions

Report by the Leader of the Council (**CC11**) – to be published with the Schedule of Business.

Council is RECOMMENDED to note the delegations made by the Leader of the Council with regard to the functions of the Cabinet.

12. Committee Meeting Dates (Pages 55 - 62)

A schedule of meeting dates proposed for the 2019/20 Council Year is attached (**CC12**).

The schedule has been drawn up to reflect the various rules about frequency of meetings set out in the Council's Constitution. Attention is drawn to the following

proposed change to previous patterns: on the suggestion of the Director of Finance the February budget meeting is proposed for the second rather than the third Tuesday in February. This also avoids the budget meeting being held during the half term school holiday.

Council is RECOMMENDED to agree the schedule of meeting dates for 2019/20 and in particular to agree to waive Rule 2.1 of the Council Procedure Rules to allow the February 2020 budget meeting of full Council to be held on 11 February 2020.

13. Audit and Governance Committee Annual Report to Council 2017
(Pages 63 - 76)

Report by the Chairman of the Audit & Governance Committee (**CC13**).

The Annual Report sets out the role of the Audit & Governance Committee and summarises the work that has been undertaken both as a Committee and through the support of the Audit Working Group in 2017/18.

Council is RECOMMENDED to receive the report.

14. Officer Scheme of Delegation (Pages 77 - 102)

Report by the Director of Law & Governance (**CC14**)

At its Annual Meeting, Council is required to agree the officer scheme of delegation within the Council's Constitution.

The Scheme of Officer Delegation is contained in Part 7.2 of the Council's Constitution. The Scheme of Delegation itself gives delegated authority to the Head of Paid Service, directors and other chief officers whose titles and/or areas of responsibility are set out in Part 2, Article 13 of the Constitution. Copies of both Article 13 and Part 7.2 are included as annexes to this report.

Since the approval of the officer scheme of delegation at last year's Annual Meeting (May 2017) no further changes have been necessary and no senior management reviews have occurred in the meantime.

The Council's Fit for the Future transformation programme, working towards a new operating model, may have implications for delegated activity later in the year but not at this time: questions of delegation would be considered as part of the governance implications of any such decisions.

Council is RECOMMENDED to:

- (a) agree to establish a Health Scrutiny Committee with Northamptonshire and Warwickshire County Councils with the express purpose of responding to the consultation for substantial reconfiguration of consultant-led obstetric services at the Horton General Hospital;**

- (b) delegate to the joint committee, this Council's power to refer any such consultation to the secretary of state;
- (c) delegate to the Monitoring Officer and the Director of Public Health in consultation with the Chairman of Oxfordshire Joint HOSC, the power to finalise and agree the Terms of Reference for the new Joint HOSC based on the draft at Annex A.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 14 May 2018 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders.

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OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 27 March 2018 commencing at 10.30 am and finishing at 4.00 pm.

Present:

Councillor Zoé Patrick – in the Chair

Councillors:

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

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.

189/18 MINUTES

(Agenda Item 1)

The Minutes of the Meeting held on 13 February 2018 were approved and signed subject to changing 'took' to 'taken in Minute 186/18.

190/18 APOLOGIES FOR ABSENCE

(Agenda Item 2)

Apologies for absence were received from Councillor Sobia Alfridi, Councillor Hannah Banfield and Councillor Mrs Anda Fitzgerald O'Connor.

191/18 DECLARATIONS OF INTEREST

(Agenda Item 3)

Councillor Alan Thompson declared a personal interest in Agenda Item 15 by virtue of his employment with Great Western Railway.

192/18 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

It was with great sadness that the Chairman announced the passing of the Former Deputy Leader of the Council Rodney Rose. Members paid tribute and held a minute's silence in memory of Rodney Rose.

The Chairman reported on the Commonwealth Day where the flag had been raised at County Hall and a number of excellent performances were given from local primary schools, notably Shrivenham, Watchfield, East Oxford and the secondary school Faringdon Community College. The Chairman Thanked everyone who attended to support the event which was hosted with the Lord Lieutenant.

The Chairman also reported on the NCS (National Citizens Awards) Action Day where the local youth board made up of over 63 NCS graduates planned a free open-top bus tour of the city of Oxford for those children & their families supported by local charities. Council congratulated the local youth board on raising over £38,000 for those charities. The Chairman commended the Summer graduation event to members.

193/18 APPOINTMENTS

(Agenda Item 5)

The Council had before it the following appointment to note:

Pension Fund Committee - Councillor Lawrie Stratford to replace Councillor Carman Griffiths.

RESOLVED: (on a Motion by Councillor Patrick, seconded by Councillor Gill Sanders and carried nem con) to note the following appointment:

Councillor Lawrie Stratford to replace Councillor Carman Griffiths on the Pension Fund Committee.

194/18 PETITIONS AND PUBLIC ADDRESS

(Agenda Item 6)

Council received the following petition and public address:

Ms Eleanor Watts presented a petition of over 1,700 signatures on behalf of Rose Hill and Iffley Low Carbon requesting that Oxfordshire County Council implement its 2016 transport strategy calling for 'cycling super routes' on major roads, offering 'continuous uniform provision for ...segregated or semi-segregated cycle lanes. for a segregated continuous cycle network;

Pupils from Fir Tree School William Eaton, Maia Bridgeman-Hughes and Jessica Titchner presented a petition to the Council requesting that the Council ensure that Fir Tree School is able to continue to educate its students in a safe and appropriate environment.

The Chairman forward the Petitions to the Director for Environment & Economy for action.

Public Address

Mr Andrew Finney spoke on behalf of Fossil Free Oxfordshire in support of Agenda Item 11 (Motion from Councillor Bob Johnson) as it raised the important question of the environmental, social and governance principles that underpinned the Council's investment decisions.

He welcomed the Pension Fund Committee decision to explicitly mention climate change as a risk but outlined his concerns in relation to the Pension fund committee's continued investment in Shell on the basis that Shell planned to sell fossil fuel products indefinitely.

He urged the County Council to ask the pension fund committee to commit to a fossil fuel free strategy as the scheme enters the new Brunel Partnership and to meet the spirit of their policy on climate risk by taking the opportunity now on asset transfer and to allocate to the low carbon options in the Brunel partnership and to protect the council from financial risk by supporting the motion.

Ms Rosalind Bolger spoke in support of Agenda Item 14 (Motion from Councillor John Sanders). She referred to the state of disrepair of many of Oxfordshire's roads. She believed the roads were now 'deadly' due to the number of potholes and other roads defects created by the severe winter period.

She asked the Council to find real resolutions to the county's declining roads for the safety of the community. Quick fixes for potholes were unsustainable and the County needed to carry out proper repairs and resurfacing to provide residents with an infrastructure that kept Oxfordshire moving forward.

She urged the Council to support Councillor Sanders Motion and to ensure the safety of Oxfordshire's residents on the road.

195/18 QUESTIONS WITH NOTICE FROM MEMBERS OF THE PUBLIC (Agenda Item 7)

Councillor Lorraine Lindsay Gale received a question on Notice from Ms Nilofer Khan, Head Teacher of Fir Tree School, Wallingford as follows:

Following the liquidation of Carillion and the withdrawal of its subcontractors, please could the Cabinet Member for Finance say if there is any funding available in the Capital Programme, as reported to the Cabinet on 19th December, to help to ensure that Fir Tree School is able to continue to educate its students in a safe and appropriate environment, with a good classroom for each class.

Reason: The building works at our school has come to a grinding halt due to the closure of the Carillion contract with OCC. We would like to ask the council members if they can let us know what can be done to get the work started again as our year 6 children have been in temporary portacabins for the last six months. Since February the toilet facilities have had to be closed and the space in the portacabins is just not adequate for learning. This is having a negative impact on both children and staff. With the year 6 SATs drawing near we are very concerned about the affect this is going to have.

Councillor Lindsay-Gale answered as follows:

Thank you, Ms Kahn, I will respond to your formal question shortly, but first I would like to talk to the children...

Thank you for coming today and speaking so bravely and clearly about your problems. It was very important that you did. I am sorry that this has happened to you and that your last year at school is being affected by this awful situation. On behalf of the Council I want to promise you that we will do everything we can to put the situation right. But there are other schools in situations like yours, so this promise has to be for all of them too. I hope you understand.

I will now talk to your Head Ms Kahn and respond to her question.

The reason I commented that it was important for your children to come here today, is not only that it is a good experience of local democracy in action, but also because it highlights the difficult situation we, the council, are in following the collapse of Carillion. Your school's project did not come to a halt because Oxfordshire County Council ended its contract with Carillion, which we did back in September 2017, it came to a halt because Carillion went into liquidation on January 15th 2018. Before that, even though we had ended our contract for construction with Carillion, we had agreed that they would finish work that was underway. This is why the work at Fir Tree Primary School only stopped when the liquidation happened this year.

Since then we have been trying to find a way to finish the project, and all the other school projects affected. This is really difficult, and we are sorry that the collapse of Carillion has had an impact on your school. We are doing everything we can to find a way to re-start the work.

Last week we sent an email to all councillors to explain the pressure on the council following the collapse of Carillion. We explained that Carillion's liquidation means that we no longer have anyone to claim damages against for defects or for unfinished work. This means we will have to fund these ourselves. We will need to prioritise all our work and this is going to be challenging. We are going to need the patience and support of schools and councillors as we go through this process. This is not just an Oxfordshire issue but a national one that we are raising at a national level.

Mrs Nilofer asked the following supplementary question

I do understand and appreciate that we are not the only school in this position, However, as Head of fir Tree, I have over 51 children in temporary accommodation which is not meeting basic need, is cramped, not properly ventilated and without working toilets. The children are in their final year. Please can you give me an assurance that there will be a tighter timescale and that phase 1 (lighting, carpeting and painting) will be completed as soon as possible so that I can educate the children in a comfortable and safe environment.

Councillor Lindsay-Gale responded as follows:

At the moment all I can assure you is that I will try my very best, /we are undertaking a complete review of all the properties and all the projects that are underway and until will have a finite view of the size of the problem it is hard to say, but we are working as hard as we can on it.

196/18 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

(Agenda Item 8)

9 Questions with Notice were asked. Details of the questions and answers and supplementary questions and answers will be set out in Annex 1 to the minutes.

In relation to question 1 (Question to Councillor Hibbert-Biles from Councillor Howson) Councillor Hibbert-Biles gave an undertaking to investigate whether there are extra expenses, particularly travel expenses that could be submitted to the agency due to them not delivering the school on time.

197/18 REPORT OF THE CABINET

(Agenda Item 9)

Council received the report of the Cabinet.

In relation to paragraph 8 of the Cabinet Report (Question to Councillor Lindsay-Gale from Councillor Atkins) Councillor Lindsay-Gale gave an undertaking to provide Councillor Atkins with a written answer detailing whether out of all the payments made to Carillion, that at no point did the Council pay them for work which had not been carried out.

In relation to paragraph 8 of the Cabinet Report (Question to Councillor Lindsay-Gale from Councillor Howson) Councillor Lindsay-Gale gave an undertaking to provide Councillor Howson with a written answer detailing whether will the new school in South West Bicester will be built under the same process as the Aureus school and UTC in Didcot, on time and within budget.

198/18 CONSTITUTION REVIEW

(Agenda Item 10)

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

Other changes will only be made by Full Council, following a recommendation of the Monitoring Officer. The Council had before it a report (CC10) which set out one change for the Council to approve; and also, sundry amendments to note which had already been made by the Monitoring Officer under his delegated powers to give effect to previous Council decisions.

RESOLVED: (on a motion by Councillor Patrick, seconded by Councillor Gill Sanders and carried nem con) to:

- (a) endorse the proposed change to the Part 2, Article 6 ('The Cabinet') set out in paragraph 6 of this report; and
- (b) note the changes made to the Constitution by the Monitoring Officer under delegated powers since the last annual Constitution Review report to Council (as outlined in Annex 1).

199/18 MOTION FROM COUNCILLOR BOB JOHNSTON

(Agenda Item 11)

Councillor Bob Johnston moved and Councillor Neil Fawcett seconded the following motion:

"Investment, environmental, social and governance (ESG) issues are now rising rapidly up the Agenda. This is evidenced, for example by the recent decision of the Norwegian Sovereign Wealth Fund to cease investment in oil and gas. The Oxfordshire Local Pension Fund has an obligation to review its investment strategy, when the present 3-year framework expires. Council therefore calls upon the Pension Committee to incorporate the latest and

best advice available on ESG matters when reviewing its policies and drawing up the next 3-year investment strategy."

Following debate, the Motion was put to the vote and was agreed by 59 votes to 0, with 1 abstention.

RESOLVED: Accordingly.

200/18 MOTION BY COUNCILLOR LIZ BRIGHOUSE

(Agenda Item 12)

Councillor Brighouse moved and Councillor Evans seconded the following motion:

"There is now much greater emphasis on Equality with the Equality Act 2010 putting requirements on Local Authorities in relation to understanding Gender Equality.

The world has moved on from one where those carrying out a function were referred to by their gender and this Council is doing fantastic work in many areas, but particularly in the Fire and Rescue Service, to overcome the stereotype of male dominated jobs. This Council applauds this work and believes that to reflect our commitment to inclusion and gender equality those Chairing meetings of the Council should be able to be called by the title Chairman, Chairwoman or a gender-neutral title such as Chairperson or Chair.

The Council requests that the Monitoring Officer report to the Audit & Governance Committee with proposals to amend the Constitution to reflect these arrangements and for those changes to be ratified at a further Full Council meeting."

Following debate, the Motion was put to the vote and was lost by 31 votes to 27, with 2 abstentions.

RESOLVED: Accordingly.

201/18 MOTION FROM COUNCILLOR MIKE FOX-DAVIES

(Agenda Item 13)

Councillor Fox-Davies moved and Councillor Fenton seconded the following motion:

"Many approvals for planning permission are granted, subject to routing agreements, (normally for HGV traffic). These form a contract with the applicant. If these agreements are not followed, there is limited power of enforcement. Once granted the permission cannot be removed, the only enforcement process is for the applicant to be pursued through the civil court.

This is currently embedded in planning law. Whilst many applicants will abide by the legal agreements, there is no easy deterrent for applicants who flout them.

As a rural Council with many villages affected by HGV movements, we feel strongly that the law in this area needs to be amended. This Council requests that the Planning & Regulation Committee strengthen the existing OCC planning protocols to include measures to enable easy redress following persistent breaches such as the retention of a financial performance bond, with the necessary mechanism for any persistent breaches of the routeing agreements.

Additionally, this Council asks that the Leader of the Council Lobby every MP in Oxfordshire to support this change and raise a back-bench motion in Parliament, to strengthen the UK planning law to allow local authorities more redress when conditions or legal agreements entered by contractors are persistently breached.”

Following debate, the Motion was put to the vote and was carried unanimously.

RESOLVED: Accordingly.

202/18 MOTION FROM COUNCILLOR JOHN SANDERS

(Agenda Item 14)

Councillor John Sanders moved and Councillor Cherry seconded the following Motion:

"This Council, while appreciating the government's recent grant to this Council of an extra £1m for pothole repairs now points out that resurfacing the County's roads in the council's maintenance backlog will cost in the region of £150m and asks the Cabinet Member for Environment to write to the Secretary of State for Transport and the Chancellor of the exchequer to ask them for sufficient funds to repair our roads and put a halt to their managed decline."

Following debate, the Motion was put to the vote and was carried unanimously.

RESOLVED: Accordingly.

203/18 MOTION FROM COUNCILLOR LIZ LEFFMAN

(Agenda Item 15)

Councillor Liz Leffman moved and Councillor Walker seconded the following Motion:

"GWR and Network Rail recently attended a public meeting convened to address issues on the Cotswold Line service. The line runs through the

County from Oxford to Hanborough, Charlbury and Kingham. At that meeting, representatives from GWR admitted that as long as parts of the line remain single track, they could not guarantee a regular service, and asked members of the public to make this point in the recent consultation.

Delays and cancellations of trains on this line are not just a problem for West Oxfordshire residents. As all the trains pass through Oxford and on to Reading, any delays and cancellations on the Cotswold Line directly impact train services to and from Oxford, and also impact trains running from the north through Banbury.

Since the opening of Oxford Parkway station, passenger numbers at Charlbury have declined by 10%. This is because people prefer to travel to Oxford Parkway which offers a more frequent and reliable service. However, this has led to an increase in road traffic through Woodstock and Kidlington.

With the increased numbers of homes planned across Oxfordshire, there is a growing need for frequent and reliable train services across the County's whole network.

This Council therefore asks the Leader to write to the Secretary of State for Transport, and to Mark Carne, Chief Executive of Network Rail, requesting that they re-evaluate the need to dual the track along the entire length of the Cotswold Line, in the light of proposed development."

Following debate, the Motion was put to the vote and was carried unanimously.

RESOLVED: Accordingly.

..... in the Chair

Date of signing

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QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

Questions are listed in the order in which they were received. The time allowed for this agenda item will not exceed 30 minutes. Should any questioner not have received an answer in that time, a written answer will be provided.

Questions	Answers
<p>1. COUNCILLOR JOHN HOWSON</p> <p>Could the Cabinet Member please provide an update on the progress towards the opening of a new secondary school in Oxford City?</p>	<p>COUNCILLOR HILARY HIBBERT-BILES, CABINET MEMBER FOR PUBLIC HEALTH & EDUCATION</p> <p>The completion for the Swan School may not be ready until 2021. City Planners are not opposing the amended scheme and an application should be formally submitted by end of May 2018, with a formal decision made on 5 September. In summer 2019 Meadowbrook should start to be demolished and its new build would complete by September 2020. Early 2021 The Swan school will complete but until then the school will probably be in temporary accommodation for two years.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>This Council has had a very good reputation in the past in terms of building new schools particularly those schools with developer contributions. I am very disappointed to see that the Educational Funding Skills Agency which is responsible for the basic needs is not able to deliver this school by 2019. Will the Cabinet Member consider whether or not there are extra expenses particularly in potential travel expenses if children are moved where we have to pay for their travel but in other areas as well where we should be making a list of those and submitting them to the Agency and asking the Agency to pay it because of their failure to deliver this</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Yes, I will look into that no problem.</p>

Questions	Answers
school on the date that we had made absolutely clear was the date that we needed it by?	
<p>2. COUNCILLOR JOHN HOWSON</p> <p>How many Multi-Academy Trusts or companies responsible for schools in Oxfordshire have a Chief Officer identified in their 2017 accounts as being paid a basic salary of more than our Director for Children's Services?</p>	<p>COUNCILLOR HILARY HIBBERT-BILES, CABINET MEMBER FOR PUBLIC HEALTH & EDUCATION</p> <p>As a matter of course, we don't look at Multi Academy Trusts' accounts to be able to provide a response to this question.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Is the Cabinet Member aware that the Department for Education has written to all Multi-Academy Trust where the Chief Officer earns more than £150,000 and in Oxfordshire that would include the United Learning at £150,000; the White Horse Federation at £160,000; Glyn Learning Federation at £170,000 and the Aspirations Academy Trust at £200,000. What is notable is that all these are Academy Trusts who have headquarters outside of Oxfordshire whereas the Multi-Academy Trust within Oxfordshire appear to have Chief Officers at less than the £150,000 limit. Will she take steps to ensure that money is not wasted on Chief Officer's salaries but is used for the education of children to the extent that she is possible to.</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Well I am glad that you added the bit at the end because as you will know Councillor Howson Multi-Academy Trusts are outside my remit. However, interestingly the same question came at the F40 meeting at the LGA yesterday that Councillor Howson was at and I am very pleased that Multi-Academy Trusts in Oxfordshire are not abusing their privilege, although I am sure they are paid more than local authority schools.</p>

Questions	Answers
<p>3. COUNCILLOR JOHN HOWSON</p> <p>Since buses returned to Queen Street, how many incidents involving buses and either pedestrians or cyclists have been reported and how many of these resulted in someone being taken to hospital?</p>	<p>COUNCILLOR YVONNE CONSTANCE, CABINET MEMBER FOR ENVIRONMENT</p> <p>We can confirm that there have been no reported accidents from the reopening of Queen Street to buses on 24 October 2017 until end of February 2018. We only hold data for recorded accidents and this would not include incidents that resulted in no injury or were not reported.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>I am delighted to see that there have been no reported accidents since the re-opening of Queen Street to buses which took the buses out of St Aldates and reduced the pollution there. I also note that one of the other major changes as part of the Westgate was the move of the taxi rank into Cornmarket and that that has also been changed. Will the Cabinet Member now consider not wasting any more money on any future concerns about buses in Queen Street and any savings that that produces to be put towards the repairing the potholes in this County?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>The answer in no.</p>
<p>4. COUNCILLOR LIZ LEFFMAN</p> <p>In the past 12 months, how many potholes were repaired using the Dragon patcher, and how many were repaired using other methods?</p>	<p>COUNCILLOR YVONNE CONSTANCE, CABINET MEMBER FOR ENVIRONMENT</p> <p>In total over the last year we have repaired 27,333 potholes using two-man gangs, and 6,985 using our Dragon Patchers, which also fixed 6,719 other surface defects to prevent them from forming future potholes. Following the success of our Dragon Patchers we are in the process of procuring an additional Dragon Patcher to add to the fleet this year which will further</p>

Questions	Answers
	increase output.
<p>SUPPLEMENTARY QUESTION</p> <p>Given the relative cost of filling potholes using the Dragon patcher and doing it by hand and given the fact that it provides a much more efficient and long term solution to potholes, would you agree that we need to be looking at more than one addition Dragon patcher to cover the County because the number of potholes that we are managing to fill using the current Dragon patcher is really a very small proportion of what is needed and would you agree that having done that, we ought to make sure that when he have got roads that we have got cars on, because I understand that actually one of the constraints is that if you have got cars parked you can't use the Dragon patcher on those roads because it sprays up quite a lot of grit which can damage them. Would it not make sense to do what other counties do and forcibly remove cars when a road needs resurfacing so that we can make more efficient use of the resources that we have.</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Thank you for your question, and most importantly you keep the lovely issue of potholes at the top of the agenda. I am working extremely hard to keep this Council focused on the fact and you have petitions today, you hear complaints, the answer is we have to do something about our roads. Thank you to knowing also that the use of the Dragon patcher is not generic there are some places where it works and some where it does not. I am very pleased to hear that you think that the Dragon patcher works so well it is not what I hear in my patch.</p> <p>What I can tell you is that all potholes are now being repaired in roads that are breaking-up. So, if there is a better solution for potholes we will try to do it, but a Dragon patcher is not the answer to all problems partly because of parked cars, partly because they don't operate in small spaces they need quite a lot of road space, but they do very well on rural roads. The most important thing is that we all realise how important potholes are and I remind each and everyone of you in April you will come by a Priority Fund you will each have £15,000 to spend on most important potholes in your area.</p>
<p>5. COUNCILLOR PAUL BUCKLEY</p> <p>The current state of road surfaces in my Division is much worse than I have seen in 27 years of living in Oxford. The 2018/19 budget passed by Council last month leaves expenditure on road</p>	<p>COUNCILLOR YVONNE CONSTANCE, CABINET MEMBER FOR ENVIRONMENT</p> <p>Unfortunately, Oxfordshire is not unique in the condition of its roads and this is a national problem with surveys showing that 17% of local roads across the country are in poor condition, with many more showing signs of deterioration, there are therefore no easy answers. Officers are however, working closely</p>

Questions	Answers
<p>maintenance roughly unchanged from this year. Unless urgent action is taken, the roads will be in an even worse condition this time next year. What action is the Cabinet member proposing, to halt this catastrophic decay of Oxfordshire's roads?</p>	<p>with DfT and other authorities to share good practice and develop ever more efficient and effective methods of maintenance to ensure that we make the best use of the budgets that are available, but this alone will not be enough. I have asked officers therefore to explore opportunities for investment into highway maintenance with a view to increasing the amount of resurfacing that can be undertaken in the next few years. They are due to report back to me this summer.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>I thank Councillor Constance for her reply. I am very pleased that she is thinking in terms in looking at a substantial investment into the road, the recurrent expenditure is clearly insufficient.</p> <p>As she knows from the cases that I and my colleagues made at the time of the budget debate we certainly felt that that is the way to go. My supplementary question is just can she give us an idea of what sort of amount of investment she has in mind and the timescale?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Thank you, Councillor Buckley. There is no statement that there would be a substantial investment it is simply a statement that we will increase the investment we are thinking about. It will take a lot of money and I repeat we need £150m to resurface the carriageways, we would need £400-500m to get our roads up to standard because that would include the footways, the bridges, the street lights, the traffic lights everything in reaching the end of its life. I am extremely glad of your question and I hope that we all realise how very important it is. We do have to remember that if, for instance, we borrow money we then use revenue to pay the interest instead of fixing potholes and although the borrowed money might get us ahead on the roads we manage, we must be very careful to have a resource sufficient to mend those that we are statutory obliged to fix within 24 hours and that tends to be what you are all seeing in you patch.</p>
<p>6. COUNCILLOR PAUL BUCKLEY</p> <p>A problem sometimes raised by residents is vehicle congestion and potential danger to young children at drop-off and collection times outside our primary schools. To counter this problem, some local authorities (e.g. Solihull) are trialling</p>	<p>COUNCILLOR YVONNE CONSTANCE, CABINET MEMBER FOR ENVIRONMENT</p> <p>A check of the reported road traffic accidents in Oxfordshire in the 10-year period 2008 to 2017 where a child was injured showed there were 6 serious and 52 slight injury accidents on local roads (i.e. excluding A or B class roads) in the vicinity of a primary school (taken for the purposes of this assessment to be within a 250-metre radius of the school) at school travel</p>

Questions	Answers
<p>schemes to impose short-term temporary closures of roads next to primary schools at these critical times of day, where this can be done without too adverse an effect on other traffic.</p> <p>In order for members to judge whether such an approach would be appropriate in Oxfordshire, could the Cabinet member please provide information on the number of road accidents and injuries that have occurred in the vicinity of the county's primary schools in the last decade.</p>	<p>times. This equates to an accident frequency of approximately 0.05 accidents per year per school at school travel times. These account for around 5% of the total number of injuries sustained by children as a result of road traffic accidents. It would therefore not appear likely that short-term temporary closures of roads next to primary schools would make a significant contribution to reducing the risk of injury to children. Furthermore, such an action may serve to displace traffic to areas near the closure points and increase the risk in those areas resulting in further mitigations needing to be implemented.</p>
<p>7. COUNCILLOR PAUL BUCKLEY</p> <p>The choice of corridor for the Ox-Cam Expressway will have a massive impact on some residents of Oxfordshire, and an overwhelming majority of members of Council expressed great concern about this in passing Cllr Atkins' motion on 12 December last year.</p> <p>By the time Council meets on 27 March it will be 6 weeks since, in answer to my question at Cabinet on 12 February, the Leader assured me that there would be consultation on the choice of corridor, and promised to pass on information about this to councillors once it was known.</p> <p>Since then, the only information about any 'consultation' that councillors have received is that contained in slides from the Highways</p>	<p>COUNCILLOR IAN HUDSPETH, LEADER OF THE COUNCIL</p> <p>I refer Cllr Buckley to my email to all councillors that I sent 13th February 8:34am that contained all the information for him to send his feedback to, content is transcribed below.</p> <p><i>Further to the inaugural Oxford to Cambridge Expressway Member's Forum meeting on Friday 9 Feb 18, please find attached the presentation slides as promised.</i></p> <p><i>We also promised to provide the details of Project Committee and Project Team. The make-up of these groups is provided below for information:</i></p> <p>Project Committee: <i>Highways England (Senior Responsible Officer and Internal Sponsor)</i> <i>DfT (Project Sponsor)</i> <i>Project Team (Highways England and Supplier)</i></p> <p>Project Team: <i>Project Management</i></p>

Questions	Answers
<p>England (HE) 9 February meeting of the Expressway 'Members' Forum', which refer to a consultation only of the Forum, of which the Leader is a member. Should members conclude from this that HE is planning no public consultation whatsoever, either on the justification for the road or the choice of corridor, and that the only member of Oxfordshire County Council whose opinion is of interest to HE is the Leader himself?</p>	<p><i>Infrastructure Team Traffic and Economics Team Stakeholder Engagement Team</i></p> <p><i>As detailed in the presentation, we are seeking your feedback, framed around 2 questions, to assist in the Oxford to Cambridge corridor selection process. The feedback should be based on the previously released Stage 3 Report from the project Strategic Study which can be found at the following location:</i></p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571353/oxford-to-cambridge-expressway-strategic-study-stage-3-report.pdf</p> <ul style="list-style-type: none"> ○ <i>What is your preferred Corridor and why?</i> ○ <i>Are there any Corridors you do not support, and why?</i> <p><i>The final undertaking we gave was to provide the Terms of Reference for the Stakeholder Reference Groups. These are currently being updated following feedback from the sessions we have held so far with the groups. Once finalised these will be shared with you.</i></p> <p><i>We will confirm the date of the next Members' Forum meeting as quickly as possible.</i></p> <p>I assume Cllr Buckley has responded as I'm sure his residents would greatly appreciate the separation of national traffic from local traffic on the A34 so as to enable the ring road to operate as a local ring road. I would also encourage attendance of the briefing to be given with Highways England after Council on 27 March when there will be an explanation on where the Oxford to Cambridge Expressway project has got to and what happens next, in the context of a decision on the preferred corridor due to be made later this summer.</p>

Questions	Answers
<p>SUPPLEMENTARY QUESTION</p> <p>The Leader suggested in his answer that Members had been invited to respond to Highways England. I think he will agree that the email that came from Highways England to him made very clear that the question was to him personally on behalf of the Council presumably as in his status as Leader. So, my supplementary question is: would he like to share with the Council how he is minded to answer the question that he is being asked by Highways England “What is your preferred corridor for the Oxford-Cambridge Expressway and are there any corridors that you do not support and why?”</p>	<p>SUPPLEMENTARY ANSWER</p> <p>I thought that my email sent to all Councillors on 13 February at 8.34 was inviting all Councillors to respond to the consultation process. If people didn't understand what was in that email I am surprised that Councillor Buckley didn't come back and say can I respond. You should respond by 12 April and it is important that you do respond by 12 April because it is important for your constituent because if you look at the documents that I sent and attached on that time 3.4.5 and 3.4.6 talk about the separation of national traffic from local traffic which would dramatically improve your residents' concerns and your residents' health no matter which option is chosen for you.</p> <p>That is my stance, has always been quite clear that if we can separate the national traffic from the local traffic then that has got to be for the greater good of residents across Oxfordshire, now wherever that corridor is going to be will be contentious and it will pitch liberal council against liberal councillor because undoubtedly, they will have differing opinions. I have been very clear to make sure that I have a neutral stance because Highways England have said that they will be coming out with their preferred corridor this summer based on the evidence before them at the time. That evidence includes what every Councillor here has the opportunity before 12 April to make their representation. My representation will be quite clear I will say that on the evidence that they look at they should provide the corridor that they feel is best suited to it but it is going to be important for Oxfordshire to make sure that the national traffic is separated from local traffic and residents in the Cutteslowe and Wolvercote area will be greatly benefitted from that.</p>
<p>8. COUNCILLOR SUSANNA PRESSEL</p> <p>The junction at Hythe Bridge St/George</p>	<p>COUNCILLOR YVONNE CONSTANCE, CABINET MEMBER FOR ENVIRONMENT</p> <p>The junction was changed in 2014 to facilitate various traffic diversions during</p>

Questions	Answers
<p>St/Worcester St has been a disaster ever since it was remodelled in 2014, against the advice of many consultees. It is hated by everyone, because it delays drivers and pedestrians, causing long tail-backs and poor air quality for nearby residents. It is extremely dangerous for cyclists, and there have been many accidents involving them.</p> <p>Now the decision has been taken to put it back to more or less how it was before. Why was this expensive and disastrous experiment carried out? Will someone be held accountable?</p>	<p>the construction of Frideswide Square and to allow - in the finished scheme - some traffic to avoid Frideswide Square, which traffic modelling at the time indicated was necessary to the overall functioning of the network in the area.</p> <p>Frideswide Square has performed better than expected in terms of traffic flows, and clearly the George Street/Worcester Street junction layout has proved unpopular. It is right to review the scheme in light of this experience.</p> <p>The proposed changes will retain the vast majority of the physical changes made in 2014. The traffic movements permitted will be the same as before the 2014 changes, but the layout will be much better for cyclists than the pre-2014 layout. We are working with stakeholders – and cycling groups in particular – on the revised design proposals.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Please can you tell me why in her answer she says that this junction proved unpopular. The point is not that is unpopular, the point is that it doesn't work and it never could work and that is because there are very heavy traffic flows from north to west and back again instead of what you usually get at crossroads which is north-south and then east-west, so it is really obvious when you think about it this never could work. So, my supplementary question is why to you seem unable to recognise that it never could have worked.</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Of course, it was unpopular because it didn't work and I can't see the difficulty about that. I must remind you of course it is a situation that I inherited. What I would say about Frideswide Square and Queen Street and the Westgate is that all of it was in a sense trialling, it was an experiment, it was to see how well they could keep traffic flowing and the function you speak of at George Street and Hythe Bridge Street is clearly one that has worked very badly. Frankly I admire the officers who recognised the fact that it doesn't work and they are prepared to reverse their previous recommendation and the road is now open again, I hope you will find it useful.</p>

Questions	Answers
<p>9. COUNCILLOR EMILY SMITH</p> <p>The National Citizen Service delivers a valuable and expanding service to local teenagers and brings £millions of funding into Oxfordshire. Their current accommodation is far from perfect so I was thrilled to learn last year that they were going to be moved into the Central Library - the perfect location for them to work with young people and promote the scheme to the public. However, just a few weeks before the opening of the new Library they were told they could no longer have the space.</p> <p>Frustratingly, the area they were promised (now the makerspace area) seems to be rarely used for anything other than hot desking, and is not somewhere the NCS team can meet with young people without disturbing other Library users.</p> <p>Please can you explain why the NCS Team had the offer of a dedicated space in the library removed and why this decision was made so late on, throwing their service delivery plans up in the air?</p>	<p>COUNCILLOR LORRAINE LINDSAY-GALE, CABINET MEMBER FOR PROPERTY & CULTURAL SERVICES</p> <p>The county council fully supports The National Citizen Service (NCS) and have recognised that the accessibility of the service could be enhanced through its integration within the County Library. Maximising utilisation of space within all county council assets remains a key strategy of the county council in order to minimise spend upon back office provisions so that we can maximise the resources available to delivery of services to the community. As a direct consequence the county council explored the potential for NCS to be accommodated within dedicated space within the library but in July 2017 it was recognised that there was greater potential to maximise space utilisation through more flexible multi-use solutions.</p> <p>This decision was made knowing that we would review the position once the use patterns were known following opening of the library - particularly around that of the Maker Space which was recognised to particularly offer multi-use functions including use by NCS. Service managers are about to carry out a post occupancy evaluation to assess the potential for greater utilisation of space within the County Library which will include the desire to integrate NCS.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Thank you to the Cabinet Member for that response. I am pleased to see that the space in the Library is being reviewed and that NCS could</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Thank you for your question, not at the moment, our aim is to try and get them into the Central Library because it as you say and as we recognise it will be a great location for them, so bear with us.</p>

Questions	Answers
<p>possibly end up in there. If it is not possible for NCS to end up in there I am concerned because the National Citizen Service obviously need a visible, safe, easily accessible place for young people to meet, for the staff to work and young people to come to. So, are there any alternative locations being looked at if the Library doesn't work out?</p>	

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Division(s): N/A

COUNTY COUNCIL – 15 MAY 2018

Response to the Secretary of State and Independent Reconfiguration Panel (IRP) recommendations

Report by Director of Law & Governance and Monitoring Officer

Purpose

1. This report outlines the suggested response for Oxfordshire County Council to respond to the Secretary of State and Independent Reconfiguration Panel (IRP) recommendations in relation to the closure of consultant-led maternity services at the Horton General Hospital.

Background

2. Oxfordshire's Joint Health Overview and Scrutiny Committee (JHOSC) referred Oxfordshire Clinical Commissioning Group's decision to permanently close consultant-led maternity services at the Horton General Hospital to the Secretary of State in August 2017. The matter was passed to the IRP for initial assessment.
3. The Secretary of State wrote to Oxfordshire JHOSC on the 7 March 2018 to state that "*further action is required locally before a final decision is made about the future of maternity services in Oxfordshire*". The Secretary of State confirmed his support of the following recommendations in relation to JHOSC:
 - (i) HOSC and the CCG to work together to invite stakeholders from surrounding areas that are impacted by these proposals to participate in this debate going forward. This should include the consideration of forming a joint oversight and scrutiny committee covering a wider area (for example all of the local authorities that took part in the consultation) which would help meet the concerns expressed in the IRP's report of their review;
 - (ii) Where the CCG consults more than one local authority about a proposal, they must appoint a joint overview and scrutiny committee for the purposes of the consultation.
4. At its meeting of the 19th of April 2018 Oxfordshire JHOSC considered its response to the Secretary of State. At that meeting the CCG confirmed its intention to consult on consultant-led obstetric services at the Horton General Hospital. Oxfordshire JHOSC gave its support to establish a separate inter-county Joint Health Overview and Scrutiny Committee to scrutinise these proposals.

5. Oxfordshire JHOSC recognised the need for a specific committee to be established on the patient flow area in question; Oxfordshire, Northamptonshire and Warwickshire.

The proposal

6. This proposal requires Oxfordshire County Council and its counterpart authorities in Warwickshire and Northamptonshire to delegate powers of health scrutiny of this specific issue to a new joint committee. Scrutiny of all other issues remain with the respective, established health scrutiny committees. The powers of the new joint committee would therefore be in regard to the proposals and consultation of consultant-led obstetric services at the Horton General Hospital and means:
 - Only the new joint committee may respond to the consultation;
 - Only the new joint committee may exercise the power to require the provision of information;
 - Only the new joint committee may exercise the power to require attendance;
 - The new joint committee would hold the power to refer to the Secretary of State only on the consultation of consultant-led obstetric services at the Horton General Hospital.
7. Draft Terms of Reference for the new committee are proposed in Annex A. To avoid confusion with any other Joint Health Scrutiny arrangements (as there are in Oxfordshire), the proposed new committee is referred to as the “Horton Joint Health Overview and Scrutiny Committee”.
8. The proposed Terms of Reference, including membership, need to be agreed with Oxfordshire, Northamptonshire and Warwickshire County Councils before the new Joint HOSC can be established. The draft Terms of Reference are based on principles agreed by the Oxfordshire JHOSC.
9. In order not to delay the work of the new Joint HOSC, should the recommendations below be agreed, the Monitoring Officer will exercise his delegation under rule 6.4(l) to confirm Oxfordshire County Council’s membership of the new Joint Committee in consultation with Group Leaders. Membership to be reported to full Council.

Legal implications

10. The Council MUST set up the joint committee under Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

RECOMMENDATIONS

11. **Council is RECOMMENDED to:**

- (a) agree to establish a Health Scrutiny Committee with Northamptonshire and Warwickshire County Councils with the express purpose of responding to the consultation for substantial reconfiguration of consultant-led obstetric services at the Horton General Hospital;**
- (b) delegate to the joint committee, this Council's power to refer any such consultation to the secretary of state;**
- (c) delegate to the Monitoring Officer and the Director of Public Health in consultation with the Chairman of Oxfordshire Joint HOSC, the power to finalise and agree the Terms of Reference for the new Joint HOSC based on the draft at Annex A.**

NICK GRAHAM

Director for Law & Governance & Monitoring Officer

Contact Officer: Samantha Shepherd, Senior Policy Officer tel: 07789 088173

April 2018

ANNEX A

**Horton Joint Health Overview and Scrutiny Committee
(Oxfordshire, Northamptonshire and Warwickshire)
Draft Terms of Reference
April 2018**

Rationale

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, the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (HOSC) for the purposes of the consultation.
2. In response to the Oxfordshire Clinical Commissioning Group's proposals regarding consultant-led maternity services at the Horton General Hospital, the Secretary of State and Independent Reconfiguration Panel (IRP) have advised a HOSC be formed covering the area of patient flow for these services. The area of patient flow for obstetric services at the Horton General Hospital covers Oxfordshire, Northamptonshire and Warwickshire.
3. These terms of reference set out the arrangements for Oxfordshire County Council, Northamptonshire County Council and Warwickshire County Council to operate a Joint HOSC Committee in line with the provisions set out in legislation and guidance to allow it to operate as a mandatory committee.

Terms of Reference

4. The new Joint Health Overview and Scrutiny Committee 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 the specified consultation on consultant-led obstetric services at the Horton General Hospital.
5. The purpose of the mandatory Horton Joint HOSC across Oxfordshire, Northamptonshire and Warwickshire is to:

- a) Make comments on the proposal consulted on
 - b) Require the provision of information about the proposal
 - c) Require the member or employee of the relevant health service to attend before it to answer questions in connection with the consultation.
 - d) Refer to the Secretary of State only on the consultation of consultant-led obstetric services at the Horton General Hospital 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)
 - That 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
6. The response to the consulting health service will be agreed by the Joint Health Overview and Scrutiny Committee and signed by the Chairman.
 7. With the exception of proposals to permanently close consultant-led obstetric services at the Horton General Hospital, responsibility for all other health scrutiny functions and activities remain with the respective local authority Health Scrutiny Committees.
 8. 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.

Timescales & Governance

9. The Horton Joint Health Overview and Scrutiny Committee will operate as a mandatory Committee only while the proposed service changes that affect the relevant areas are considered. This period is from the point at which the relevant health body notifies the Joint HOSC of the formal consultation timetable and the point at which a decision is taken.
10. Meetings of the Joint HOSC will be conducted under the Standing Orders of Oxfordshire County Council (i.e. the Local Authority hosting and providing democratic services support).

Membership

11. Membership of the Joint HOSC will be appointed by Oxfordshire County Council, Northamptonshire County Council and Warwickshire County Council from the membership of their Scrutiny Committees that have responsibility for discharging health scrutiny functions.
12. Appointments to the Joint Committee have regard to the proportion of patient flow for consultant-led obstetric services at the Horton General Hospital. Using latest figures available from 2015/16, of the 1466 births at the Horton General Hospital, 4% came from women with Warwickshire post codes and 14% from Northamptonshire post codes¹. The membership of the Joint Committee will therefore be ten Councillors, consisting of eight from Oxfordshire, one from Northamptonshire and one from Warwickshire.
13. Appointments by each authority to the Joint Committee will reflect the political balance of that authority.
14. The quorum for meetings will be five members, comprising at least one member from either Northamptonshire or Warwickshire.

Committee support

15. The work of the Joint HOSC will require support in terms of overall co-ordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.
16. Meetings of the committee are to be held near to the Horton General Hospital and associated administrative support and costs to be borne by Oxfordshire County Council.
17. Should a press statement or press release need to be made by the Joint Health Overview and Scrutiny Committee, this will be drafted by Oxfordshire County Council on behalf of the Committee and will be agreed by the Chairman.

¹ Figures contained within OUH Board report from 31st August 2016: <http://www.ouh.nhs.uk/about/trust-board/2016/august/documents/ContingencyPlanforMaternityandNeonatalServicesv19Final.pdf>

Division(s): N/A

OXFORDSHIRE HEALTH AND WELLBEING BOARD – 10 MAY 2018

Oxfordshire Health and Wellbeing Board Function and Governance Review: Proposal for Consideration and Decision by the Board

Report by the Chair and Vice-Chair Oxfordshire Health and Wellbeing Board

Introduction

1. This paper sets out our proposal for strengthening the Health and Wellbeing Board (HAWB). We have taken account of the views of Board members, a wide range of partners and the views expressed recently by the Care Quality Commission.
2. At the outset we want to express our view that these are unprecedented times of opportunity for improving the health of local people and so a review of the HAWB has never been so timely or so important. There is a clear consensus from everyone we talked to that organisations now need to work more closely together to create one vision and one plan for health and wellbeing in Oxfordshire. This aligns well with current national policy and we feel it is important to make a bold statement of our intent to press forward, using the HAWB as a vehicle for making a step-change in the way we work together for the people of Oxfordshire. The proposals set out below aim to do just that.
3. The paper covers the Board's functions and governance arrangements in 4 sections. In each section we have set out our proposals preceded by our rationale. Annex 1 sets out our initial brief and reprises the statutory role of HAWBs.

The Proposed Functions of the Health and Wellbeing Board

Chair and Vice-Chairs' Rationale and commentary following their engagement exercise.

4. *We heard many views in favour of retaining the wide scope of the Health and Wellbeing Board (HAWB). There was a clear view that we now need a unifying vision and high-level strategy for health and wellbeing in Oxfordshire which all organisations will aim to follow. Achieving this vision is consistent with the duty of the HAWB to encourage those who provide health and social care services to work together in an integrated manner. This strategy will be broad and high-level but cannot also be detailed. We will inevitably need to have a number of more detailed strategies too, but these all need to stem from and deliver the overall HAWB strategy. This will enable residents to experience the seamless, joined-up care they deserve.*

5. *A key function of the Board is to own this strategy, monitor its implementation and agree action to modify and update it. It is also important that the Board has more visibility. The organisations on the Board will hold one another to account for delivery. External scrutiny of delivery will be led by the Joint Health Overview and Scrutiny Committee.*
6. *The HAWB must of course also carry out its own statutory duties, for example, the production of a widely owned Joint Strategic Needs Assessment.*
7. *It is important that the HAWB can make decisions which stick. This is a difficult topic as the Board members belong to statutory organisations which must also fulfil statutory duties and make decisions. However, many of the chief officers of organisations do already carry significant decision-making authority, and, put alongside the statutory duties already held by the HAWB, these could give the HAWB considerable 'clout'. The point is to use the existing decision-making power of individual members in concert: to unite and not to divide. We believe this will enable us to take a huge step forward. This factor has guided our proposals for membership of the Board in section 3 below. In addition, as time goes on and confidence in the new arrangements grows, organisations are likely to delegate more decision-making powers to the Board.*
8. *We have considered many views about how to get a wide range of opinion into the Board, particularly from the public, interest groups and voluntary organisations.*
9. *We are proposing to establish a reference group for the HAWB. This will have wide membership and will include members of the Voluntary Sector and patient group representatives who all expressed a wish to be part of such a body. This body will meet six monthly and a wide range of topics will be discussed. The membership will be flexible depending on current topics of concern and may for example include care home representatives, social care providers and MPs depending on the topical issues under discussion. In addition, the reference group can propose topics for 'deep-dive' exercises. The HAWB will aim to approve two of these per year and agree how they will be taken forward depending on the topic. We anticipate that a wide range of speakers will be asked to collaborate in achieving an in-depth perspective of key topics which will inform the Board and its strategy.*

Our specific proposals therefore are:

1.1 The HAWB will create and own a single unifying vision for the improvement of the Health and Wellbeing of Oxfordshire residents.

1.2 The HAWB will create, own and monitor a comprehensive high-level health and wellbeing strategy for the improvement of the Health and Wellbeing of Oxfordshire residents.

1.3 The HAWB will agree a suite of strategies which will be created and owned by its sub-committees. These will flow from the overarching Joint Health and Wellbeing Strategy.

1.4 The HAWB will monitor the implementation of its strategy and the member organisations will hold one another to account for delivery. The Board will receive regular reports from its sub-committees based on outcome measures set by each.

1.5 The HAWB will fulfil its statutory duties. These currently include producing an authoritative Joint Strategic Needs Assessment and Pharmaceutical Needs Assessment, and approving plans for the Better Care Fund and the Improved Better Care Fund. The Board already has decision-making powers with respect to these.

1.6 Decision making will also take place through the collective delegated authority of the individual members.

1.7 The HAWB will establish a reference group with wide membership including the voluntary sector and patient group representatives. The membership will be flexible depending on current topics of concern. The reference group will discuss these key issues and may propose topics for HAWB 'deep-dive' exercises. The HAWB will aim to approve two of these per year and agree how they will be taken forward.

Sub-Committees

Chair and Vice-Chairs' Rationale following their engagement exercise.

10. *There was much support across the board in the engagement exercise for the existing sub-committee structure, and following the last HAWB, we feel we now have the right range of sub-committees to take forward a comprehensive HAWB strategy.*
11. *We encourage all the sub-committees to review their *modi operandi* to ensure they are directly taking forward the Joint Health and Wellbeing Strategy and are engaging widely with voluntary sector colleagues and representatives of the public.*
12. The HAWB will delegate the operational delivery of its strategy to the following sub-committees:
 - 1 The Children's Trust Board
 - 2 The Health Improvement Partnership Board
 - 3 The Adults with Support and Care Needs Joint Management Group
 - 4 The Better Care Fund Joint Management Group
 - 5 The Integrated System Delivery Board
13. This structure is likely to be subject to change over time as agreed by the Board. The three sub-committees covering adults' health and social care are, for example, currently in transition and we would anticipate a reduction in their number in due course.
14. The subcommittees' existing terms of reference will be retained.

Membership and Chairing of the Health and Wellbeing Board

Chair and Vice-Chairs' Rationale following their engagement exercise.

15. *In coming to this proposal, we have had to balance many factors and finally come to a firm proposal. The consensus view was that the HAWB membership should be as small as practically possible, and should contain members who already have key decision-making powers on behalf of organisations. The principles stated by the wide range of people we interviewed, supplemented by our own views, have shaped our proposals. The principles we have used are:*
- *We should propose people with the skills and experience to deliver the functions of the board.*
 - *We need to keep membership to a minimum to facilitate manageable discussion and decision-making.*
 - *We need to achieve a balanced membership and should not be County Council top-heavy.*
 - *We should favour representatives who already have significant delegated authority so that these can be aligned. In practice this means proposing Chief Executive Officers as opposed to Chairs or non-executive members.*
 - *We should respect the views expressed to us by the voluntary sector and patient group respondents by engaging them through a reference group or on specific issues rather than through permanent seats on the Board.*
 - *We want to strengthen the clinical voice of primary care provision as this has been lacking in the past*
 - *We should avoid duplication with the Oxfordshire Growth Board and the Oxfordshire Community Safety Partnership. This means that we wish to engage with the Police and Crime Commissioner and senior Thames Valley Police officers through membership or representation on sub-committees or through the reference group on an issue by issue basis.*
 - *We need to retain representation from the two upper tiers of local Government.*
 - *We must meet statutory duties and legal requirements regarding membership (See annex 1).*
16. *With regard to Chairing arrangements we heard no dissent from the current arrangements, therefore we propose:*
17. The Board will have the following membership:
- Leader of the County Council – chair
 - Clinical Chair of Oxfordshire Clinical Commissioning Group - vice-chair
 - 2 District and City Council representatives as per the current arrangements
 - A Cabinet Member of the County Council
 - Accountable Officer Oxfordshire Clinical Commissioning Group
 - C/E Oxford University Hospitals NHS Foundation Trust
 - C/E Oxford Health NHS Foundation Trust
 - C/E Oxfordshire County Council
 - A Healthwatch representative
 - The Director for Children's services
 - The Director for Adult Social Care

The Director of Public Health
An NHS England representative
1 Clinical General Practitioner provider representative from Oxfordshire's
General Practice Federations.

Frequency and Location of Meetings

Chair and Vice-Chairs' Rationale following their engagement exercise.

18. *There was a general view that the meetings should be quarterly, held in public and not exclusively at County Hall. For practical purposes we propose to keep the meetings in Oxford.*
19. We propose quarterly meetings held in public, held alternately at Jubilee House and County Hall.

Recommendations

20. **The Health and Wellbeing Board is asked to:**
 - (a) **endorse the proposed changes and authorise the Director of Public Health and the Director of Law & Governance, in consultation with the Chairman and Vice-Chairman of the Health & Wellbeing Board to amend the Terms of Reference as necessary for approval by Full Council; and**
 - (b) **to approve the revised membership to take effect at such time as the revised Terms of Reference are agreed at Council**

Councillor Ian Hudspeth

Chair Oxfordshire Health and Wellbeing Board

Dr Kiren Collinson

Vice-Chair Oxfordshire Health and Wellbeing Board

Contact Officers: Jonathan McWilliam, Strategic Director for People tel: 01865 323574 and Catherine Mountford, Director of Governance, Clinical Commissioning Group tel: 01865 336705

April 2018

Review of Oxfordshire's Health and Wellbeing Board: Gathering Stakeholder Views

This briefing note sets out proposals for engaging with stakeholders to gather initial views which will be used to inform the review of Oxfordshire's Health and Wellbeing Board (HAWB) as agreed by the Board on 9/11/2017. A summary of the statutory role and duties of Health and Wellbeing Boards are appended for your reference.

The Board felt that it was timely to review the Board's role and governance arrangements for the following reasons:

1. The NHS's priority as stated in the 'Five Year Forward View' and subsequent documents is to move to Accountable Care Systems (ACS) and a number of these have been established. The Health and Wellbeing Board agreed to explore its role in the development of an ACS as part of this review.

2. The NHS has also moved to an emphasis on 'whole system working' as opposed to a clear-cut distinction between commissioners and providers. The previous governance model was based on this distinction and thus the Board's membership was based on service commissioners rather than on service providers. This therefore currently precludes the involvement of NHS trusts who are clearly integral to 'whole system working' and the involvement of the Voluntary Sector for example.

3. The Oxfordshire Transformation Board continues to work on practical issues of service transformation in the County and, although there is a strong synergy and an overlapping membership between it and the Health and Wellbeing Board, the Governance links between the two would benefit from clearer definition.

4. Over the years the Health and Wellbeing Board has received requests to expand its membership and the way it engages with a wide range of organisations. These have come from many sectors, including patient groups and advocacy groups, the voluntary and community sector, cultural and arts organisations, the police and the military. Our initial thinking was to avoid a Board which would be too large to be effective and so we decided to be guided by the statutory membership. It is now timely to review the membership of the Board again.

5. Since the Board met, we have also received verbal feedback from the Care Quality Commission regarding one aspect of the Board's work – that it should more actively oversee 'system flow' i.e. movement of people through primary care to hospital and through to discharge. This is likely to become a formal recommendation of the CQC and will be taken into account in the review.

It is therefore proposed that the Chair and Vice-chair of the Health and Wellbeing Board begin an engagement exercise early in the New Year by gathering the views of key stakeholders which will inform discussion at the next HAWB. This will take the shape of individual meetings and group events during early 2018, the detail of which will be advised in due course.

An Annex is provided for reference setting out the statutory duties of HAWBs.

The following questions will guide the review:

1. What should the functions of the HAWB be?
2. What should its role be in any emerging proposals to form an Accountable Care System?
3. How should the Board balance its role in coordinating a wide range of wellbeing issues with the specific needs to oversee 'system flow'?
4. How should it carry out these functions?
5. The HAWB is currently advisory rather than decision-making, is this sufficient?
6. What governance arrangements are needed to make this effective?
7. What powers should organisations delegate to the Board to make it effective?
8. What should its relationship be with bodies with a similar remit e.g. the Bucks Oxon Berks STP Executive and the Oxfordshire Transformation Board.
9. How should the public/ patient voice be engaged?
10. Should the current HAWB sub-groups be changed?
11. How should statutory organisations be represented and with what authority?
12. How should a potentially wide range of other organisations and stakeholders (e.g. the voluntary sector) be engaged?
13. What barriers might get in the way and how can they be removed?

The arrangements of other HAWBs elsewhere will also be analysed as part of the review.

Stakeholders to be contacted as part of this engagement exercise will include:

- Organisations currently represented on the Health and Wellbeing Board (Oxfordshire County Council, Oxfordshire Clinical Commissioning Group, NHS England, Healthwatch, District and City Council representatives)
- NHS Foundation Trusts
- NHS GP Federations
- Other providers of health and social care services
- Voluntary Sector Organisations
- Representatives of Patients' and Service Users' Groups

Next steps

We are planning to invite stakeholders to a series of informal discussions with us during February. Written views will also be welcome.

This will assist us in shaping the Terms of Reference for the review which will be presented to the Health and Wellbeing Board on 22nd March 2018

Annex. Health and Wellbeing Boards: Roles, Powers and Responsibilities

A. Purpose, powers and responsibilities - summary

The Health and Social Care Act 2012 established HWBs as statutory committees of all upper-tier local authorities to act as a forum for key leaders from the local health and care system to jointly work to:

- improve the health and wellbeing of the people in their area,
- reduce health inequalities, and
- promote the integration of services.

Local Government Association summarised the functions as follows:

The Health and Social Care Act 2012 gives health and wellbeing boards specific functions. These are a statutory minimum and further functions can be given to the boards in line with local circumstances. The statutory functions are:

- To prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and Clinical Commissioning Groups (CCGs).
- A duty to encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and / or integrated provision) in connection with the provision of health and social care services.
- A power to encourage close working between commissioners of health-related services and the board itself.
- A power to encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services
- Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act 2012. For example, this could include certain public health functions and / or functions relating to the joint commissioning of service and the operation of pooled budgets between the NHS and the council. Such delegated functions need not be confined to public health and social care. Where appropriate they could also, for example, include housing, planning, work on deprivation and poverty, leisure and cultural services, all of which have an impact on health, wellbeing and health inequalities.

B. The sections of the Health and Social Care Act 2012 gave the following detail regarding the establishment and membership of Health and Wellbeing Boards

S194 Establishment of Health and Wellbeing Boards

- (1) A local authority must establish a Health and Wellbeing Board for its area.
- (2) The Health and Wellbeing Board is to consist of—
 - (a) subject to subsection (4), at least one councillor of the local authority, nominated in accordance with subsection (3),
 - (b) the director of adult social services for the local authority,
 - (c) the director of children’s services for the local authority,
 - (d) the director of public health for the local authority,
 - (e) a representative of the Local Healthwatch organisation for the area of the local authority,
 - (f) a representative of each relevant clinical commissioning group, and
 - (g) such other persons, or representatives of such other persons, as the local authority thinks appropriate.
- (3) A nomination for the purposes of subsection (2)(a) must be made—
 - (a) in the case of a local authority operating executive arrangements, by the elected mayor or the executive leader of the local authority;
 - (b) in any other case, by the local authority.
- (4) In the case of a local authority operating executive arrangements, the elected mayor or the executive leader of the local authority may, instead of or in addition to making a nomination under subsection (2)(a), be a member of the Board.
- (5) The Local Healthwatch organisation for the area of the local authority must appoint one person to represent it on the Health and Wellbeing Board.
- (6) A relevant clinical commissioning group must appoint a person to represent it on the Health and Wellbeing Board.
- (7) A person may, with the agreement of the Health and Wellbeing Board, represent more than one clinical commissioning group on the Board.
- (8) The Health and Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate.
- (9) At any time after a Health and Wellbeing Board is established, a local authority must, before appointing another person to be a member of the Board under subsection (2)(g), consult the Health and Wellbeing Board.
- (10) A relevant clinical commissioning group must co-operate with the Health and Wellbeing Board in the exercise of the functions of the Board.
- (11) A Health and Wellbeing Board is a committee of the local authority which established it and, for the purposes of any enactment, is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972.
- (12) But regulations may provide that any enactment relating to a committee appointed under section 102 of that Act of 1972—

- (a) does not apply in relation to a Health and Wellbeing Board, or
(b) applies in relation to it with such modifications as may be prescribed in the regulations.

C. Health and Social Care Act 2012 – duty to encourage integrated working

S195 Duty to encourage integrated working

(1) A Health and Wellbeing Board must, for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.

(2) A Health and Wellbeing Board must, in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

(3) A Health and Wellbeing Board may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board.

(4) A Health and Wellbeing Board may encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.

(5) Any reference in this section to the area of a Health and Wellbeing Board is a reference to the area of the local authority that established it.

(6) In this section—

- “the health service” has the same meaning as in the National Health Service Act 2006;
- “health services” means services that are provided as part of the health service in England;
- “health-related services” means services that may have an effect on the health of individuals but are not health services or social care services;
- “social care services” means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970).

D. Health and Social Care Act 2012 – other functions of Health and Wellbeing Boards

S196 Other functions of Health and Wellbeing Boards

(1) The functions of a local authority and its partner clinical commissioning groups under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) are to be exercised by the Health and Wellbeing Board established by the local authority.

(2) A local authority may arrange for a Health and Wellbeing Board established by it to exercise any functions that are exercisable by the authority.

(3) A Health and Wellbeing Board may give the local authority that established it its opinion on whether the authority is discharging its duty under section 116B of the 2007 Act.

(4) The power conferred by subsection (2) does not apply to the functions of the authority by virtue of section 244 of the National Health Service Act 2006.

E. Health and Social Care Act 2012 – participation of NHS Commissioning Board

S197 Participation of NHS Commissioning Board

(1) Subsection (2) applies where a Health and Wellbeing Board is (by virtue of section 196(1)) preparing—

(a) an assessment of relevant needs under section 116 of the Local Government and Public Involvement in Health Act 2007, or

(b) a strategy under section 116A of that Act.

(2) The National Health Service Commissioning Board must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in its preparation of the assessment or (as the case may be) the strategy.

(3) Subsection (4) applies where a Health and Wellbeing Board is considering a matter that relates to the exercise or proposed exercise of the commissioning functions of the National Health Service Commissioning Board in relation to the area of the authority that established the Health and Wellbeing Board.

(4) If the Health and Wellbeing Board so requests, the National Health Service Commissioning Board must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in its consideration of the matter.

(5) The person appointed under subsection (2) or (4) may, with the agreement of the Health and Wellbeing Board, be a person who is not a member or employee of the National Health Service Commissioning Board.

(6) In this section—

- “commissioning functions”, in relation to the National Health Service Commissioning Board, means the functions of the Board in arranging for the provision of services as part of the health service in England;
- “the health service” has the same meaning as in the National Health Service Act 2006.

F. Health and Social Care Act 2012 – discharge of functions of Health and Wellbeing Boards

S198 Discharge of functions of Health and Wellbeing Boards

Two or more Health and Wellbeing Boards may make arrangements for—

- (a) any of their functions to be exercisable jointly;
- (b) any of their functions to be exercisable by a joint sub-committee of the Boards;
- (c) a joint sub-committee of the Boards to advise them on any matter related to the exercise of their functions.

G. Health and Social Care Act 2012 – supply of information to Health and Wellbeing Boards

S199 Supply of information to Health and Wellbeing Boards

(1) A Health and Wellbeing Board may, for the purpose of enabling or assisting it to perform its functions, request any of the following persons to supply it with such information as may be specified in the request—

- (a) the local authority that established the Health and Wellbeing Board;
- (b) any person who is represented on the Health and Wellbeing Board by virtue of section 194(2)(e) to (g) or (8);
- (c) any person who is a member of a Health and Wellbeing Board by virtue of section 194(2)(g) or (8) but is not acting as a representative.

(2) A person who is requested to supply information under subsection (1) must comply with the request.

(3) Information supplied to a Health and Wellbeing Board under this section may be used by the Board only for the purpose of enabling or assisting it to perform its functions.

(4) Information requested under subsection (1) must be information that relates to—

- (a) a function of the person to whom the request is made, or
- (b) a person in respect of whom a function is exercisable by that person

References:

[House of Commons Library – Health and Wellbeing Boards](#)

[Local Government Association](#)

[Health and Social Care Act 2012](#)

Division(s): N/A

COUNTY COUNCIL – 15 MAY 2018

COMMITTEES & REVIEW OF POLITICAL BALANCE

Report by the Director of Law & Governance and Monitoring Officer

1. The Council is required by the Local Government & Housing Act 1989 to review the political balance on its committees on an annual basis. A note is attached (**Annex 1**) which summarises how the rules operate. This note also outlines the co-opted members.
2. A schedule is attached (**Annex 2**) showing the initial arithmetical product of the rules for the Council's committees. The figures in brackets show the adjustments which are necessary to achieve the balance across and within committees to comply with the rules. These are the same as in the previous year.

In summary the changes necessary are:

- (a) To obtain balance across the scrutiny committees, the Liberal Democrats have an additional seat.
 - (b) To obtain balance across the other committees of the Council and overall the Labour Group loses a seat and the Liberal Democrat Group gets an additional seat. The 2 seats that then remain unfilled must be offered to the independent members.
3. The rules relating to political balance do not apply to the three Joint Consultative Committees but so far as is possible political balance is sought.
 4. A schedule is attached (**Annex 3**) showing the present committees and their membership. Where changes are notified prior to the Schedule of Business being published these will be included in an amended Annex 3. Also included for information are appointments to a Scrutiny Panel for the Oxfordshire Growth Board and advisory sub-groups which will be confirmed by Cabinet.

RECOMMENDATIONS

5. **The Council is RECOMMENDED:**
 - (a) **to confirm the political balance on committees shown in Annex 2 to the report;**
 - (b) **to appoint to committees the councillors and co-opted members shown in Annex 3, subject to any changes reported in any amended schedule and at the meeting; and**
 - (c) **to note the executive appointments in Annex 3 in relation to Oxfordshire Growth Board scrutiny arrangements and advisory sub groups.**

NICK GRAHAM

Director of Law & Governance and Monitoring Officer

Background Papers:

Nil

Contact Officers:

Sue Whitehead, Principal Committee Officer

May 2018

Tel: 07393 001213

Local Government & Housing Act 1989 - Political Balance

General Description of the Rules

1. For most local authority committees and sub-committees and for certain other appointments, the 1989 Act requires the Council to allocate seats to political groups in accordance with the groups' proportionate strength on the Council as a whole.
2. The political balance requirement applies only where political groups have been set up, but where it does apply the allocation to committees has to be reviewed annually. A review is also required on the formation of a new political group or if requested by a member newly joining a group.
3. A committee must review the allocation of seats on its sub-committees following any change in the committee's membership as a result of a 1989 Act review.

The Allocation

4. The allocation process depends on the proportionate strengths of the political groups and the nature of the committee, sub-committee or other body concerned. The following rules apply:
 - (i) Where a group has an overall majority on the Council, that group is entitled to a majority of the seats on each committee and sub-committee. For this purpose only, the calculation must include seats occupied by voting co-optees on a scrutiny committee or sub-committee concerned with education.
 - (ii) Each political group is entitled to its proportion of the total number of seats on all the committees added together, according to the ratio of the number of members of the group to the number of members of the Council.¹
 - (iii) Subject to (i) and (ii) above, each group is entitled to its proportion of the number of seats on each individual committee.
 - (iv) For sub-committees and some other bodies, a group is entitled to its proportion of the number of seats regardless of the total number of seats involved (but still subject to the majority rule in (i) above).
 - (v) The allocations of seats to political groups are rounded up or down to the nearest whole number. Where the allocations leave a seat or seats unfilled on a committee, sub-committee or other body those seats must be allocated to any independent members of the Council.
5. Except where a "no dissent" alternative (as described below) is adopted, application of these principles, "so far as reasonably practicable", is mandatory. Once the allocations have been agreed under this procedure, the appointment of individual members must then be made in accordance with the wishes of the respective groups.

Alternatives where "No Dissent"

¹ The Council has in the past sought so far as possible to apply this principle to the total seats on scrutiny committees and "other" committees also, but this is not a legal requirement

6. The requirement to allocate seats according to political groups' proportionate strengths can be overridden by some other arrangement, either in relation to all committees, sub-committees and other bodies or in relation to any individual committee, sub-committee or other body, provided that no councillor votes against the alternative arrangement when it is proposed.

Co-opted members on Committees

7. A number of Committees have co-opted members:

Audit & Governance Committee – One representative of the Business Community (nominee on Annex 3)

Pension Fund Committee – 2 voting co-opted members representing the District Councils – 2 District Councillors appointed by the District Council.

Oxfordshire Joint Health Overview & Scrutiny Committee – Under Section 8(2)(a) of the Health and Social Care Act 2001, as amended by Section 28 of the Health & Social Care Act 2012, 5 District Councillors are appointed by the District Councils. By agreement with all partners of the joint committee there are also 3 non-voting co-opted members in order to assist it in its work.

Education Scrutiny Committee – Under the Localism Act 2000 there are 4 voting co-optees who vote only on matters relating to education functions representing:

The Church of England – nominated by the relevant Diocesan Board of Education;
The Roman Catholic Church – nominated by the Bishop of the relevant Diocese;
Primary Schools Parent Governors – by advert and election process
Secondary and Special Schools Parent Governors – by advert and election process.

ANNEX 2**Political Proportionality : Product of Local Government & Housing Act Formula**

Committees subject to Proportionality Rules

	Seats	Cons & Inds	Lab	Lib Dem	Ind	Total	Balance	Further Adjustment required
Performance Scrutiny Committee	10 (11)	5(6)	2	2	0	9	-1	Additional 1 seat allocated to Conservative Independent Alliance Group to preserve majority on 11 person committee *
Education Scrutiny Committee	7	4	2	1	0	7	0	Previously 1 additional seat allocated to Conservative Independent Alliance to preserve majority (when voting co-optees counted.) Currently no co-opted members in place so no adjustment made.
Sub-Total	17	9	4	3(4)	0(1)	16(18)	1	
Notional Entitlement	17	9	4	4	1	18	1	
Balance		0	0	-1	-1	-1		

Planning & Regulation Committee	12(13)	6(7)	3	2	0	11	-1	Additional 1 seat allocated to Conservative Independent Alliance Group to preserve majority on 13 person committee
Pension Fund Committee	7(9)	4(6)	2	1	0	7	0	Additional 2 seats allocated to Conservative Independent Alliance Group to preserve majority on 11 person committee (when voting co-optees counted)
Audit & Governance Committee	9	5	2	2	0	9	0	
Remuneration Committee	6 (7)	3 (4)	1	1	0	5	-1	Additional 1 seat allocated to Conservative Independent Alliance Group to preserve majority on 7 person committee
Sub-Total	34	18	8	6(7)	0(1)	32(34)	0	

Notional Entitlement	34	18	8	7	1	34	0	
Balance		0	0	-1	-1	-2		

Overall Total	51	27	12	9	0	48	-3	
Legal Entitlement	51	27	11	11	2	51	0	
Balance		0	1	-2	-2	-3		

Nominations to Joint Committees and Other Bodies

	Seats	Cons & Ind	Lab	Lib Dem	Ind	Total	Balance
Health Overview & Scrutiny Joint Committee	7	4	2	1	0	7	0
Oxfordshire Growth Board Scrutiny Panel	3	1 + 1 named sub	1 + 1 named sub	1 + 1 named sub		3	0
Infrastructure Sub-Group	1						
Housing Sub-Group	1						
JSSP Sub-Group	1						

Informal Joint Consultative Bodies

Proportionality is not mandatory for the following, but may be applied to the councillor appointees if desired

	Seats	Cons plus Inds	Lab	Lib Dem	Ind	Total	Balance
OCC & Teachers Joint Committee	5	3	1	1	0	5	0
OCC & Employees Joint Consultative Committee	7	4	2	1	0	7	0
OCC & Uniformed Fire Service Consultative Committee	7	4	2	1	0	7	0

Membership of Committees and Sub-Committees

Audit & Governance Committee (10)

Conservative Independent Alliance (5)	Ind (0)	Labour (2)	Liberal Democrat (2)
Carter		Evans	Buckley
Corkin		McIlveen	Roz Smith
Ilott			
Mathew			
Sibley			

Non-Voting Co-opted Members (3)

Representative of the Business Community:

Dr Geoff Jones

Independent Members (Complaints handling) (2)

Dr Sadie Reynolds

1 vacancy

Appeals & Tribunals Sub-Committee* (3)

Three Councillors one of whom must be a Member of the Audit & Governance Committee

(*when hearing home to school transport appeals, the Sub-Committee consists of an elected member, an officer and an independent person.)

Appointment Sub-Committee (Variable) (6)

Six Councillors at least one of whom must be a member of the Cabinet

Fire Service Discipline Sub-Committee (3)

Three Councillors at least one of whom must be a member of the Cabinet

Oxfordshire Health & Wellbeing Board

Comprising*:

Leader of the County Council – chair

Clinical Chair of Oxfordshire Clinical Commissioning Group - vice-chair

2 District and City Council representatives as per the current arrangements

A Cabinet Member of the County Council

Accountable Officer Oxfordshire Clinical Commissioning Group

C/E Oxford University Hospitals NHS Foundation Trust

C/E Oxford Health NHS Foundation Trust

C/E Oxfordshire County Council

A Healthwatch representative

The Director for Children’s services

The Director for Adult Social Care

The Director of Public Health

An NHS England representative

1 Clinical General Practitioner provider representative from Oxfordshire’s General Practice Federations.

* Subject to confirmation following the Health & Wellbeing Board meeting on 10 May 2018

Pension Fund Committee (11)

Conservative Independent Alliance (6)	Ind (0)	Labour (2)	Liberal Democrat (1)
Bulmer		Lygo	Howson
Corkin		John	
Field-Johnson		Sanders	
Mathew			
Thompson			
Stratford			

Voting Co-opted Members (2) *District Council Representatives*

Planning & Regulation Committee (13)

Conservative Independent Alliance (7)	Ind (1)	Labour (2)	Liberal Democrat (3)
Fitzgerald- O'Connor	Gawrysiak	Phillips	Johnston
Fox Davies		Lygo	Roberts
Handley			Webber
Matelot			
Reynolds			
Thompson			
Sibley			

Remuneration Committee (7)

Conservative Independent Alliance (4)	Ind (1)	Labour (1)	Liberal Democrat (1)
Bulmer	Atkins	Brighthouse	Webber
Heathcoat			
Hudspeth			
Mathew			

Pension Benefits Sub-Committee ()

**Three Councillors at least one of whom must be a member of the
Remuneration Committee**

Membership of Scrutiny Committees

Education Scrutiny Committee (9 (now 7))

Conservative Independent Alliance (5(now 4))	Ind (0)	Labour (2)	Liberal Democrat (1)
Bartington Fitzgerald- O'Connor Matelot Thompson Waine		Gill Sanders Afridi	Howson

Voting Co-optees (4 vacancies)

Representing the Church of England: Vacancy

Representing the Roman Catholic Church: Vacancy

Parent Governor Representatives:

Primary: Vacancy

Secondary and Special: Vacancy

Performance Scrutiny Committee (11)

Conservative Independent Alliance (6)	Ind (0)	Labour (2)	Liberal Democrat (3)
Carter Fox-Davies Ilott Mathew Waine Walker		Brighthouse Phillips	Hannaby Leffman Emily Smith

Joint Committees

Oxfordshire Joint Health Overview & Scrutiny Committee (15)

Conservative Independent Alliance (4)	Ind(0)	Labour (2)	Liberal Democrat (1)
Bulmer		Cherry	Rooke
Clarke		Price	
Fatemian			
Fox-Davies			

District Council Representatives (5)

Co-optees Members (3)

- Moria Logie
- Dr Keith Ruddle
- Mrs A. Wilkinson

Other Bodies

Oxfordshire Growth Board (OGB) Scrutiny Panel* (3)

Conservative Independent Alliance (1 + 1 named sub)	Ind(0)	Labour (1 + 1 named sub)	Liberal Democrat (1 + 1 named sub)
--	---------------	---	---

OGB JSSP Sub Group (1)

OGB Infrastructure Sub-Group (1)

OGB Housing Sub-Group (1)

***these appointments are to be confirmed at Cabinet.**

Thames Valley Police & Crime Panel (1)

**Conservative
Independent
Alliance (1)**
Mallon

**Green
(0)**

**Labour
(0)**

**Liberal
Democrat
(0)**

County Council Representatives on Staff Consultative Bodies

Oxfordshire County Council Joint Consultative Committee

for Uniformed Members of the Fire Service (7)

Conservative Independent Alliance (4)	Ind(0)	Labour (2)	Liberal Democrat (1)
Bartington		Cherry	Patrick
Griffiths		Pressel	
Handley			
Heathcoat			

Oxfordshire County Council & Teachers' Joint Committee (5)

Conservative Independent Alliance(3)	Ind (0)	Labour (1)	Liberal Democrat (1)
Fenton		Turnbull	Emily Smith
Thompson			
Waine			

Oxfordshire County Council &

Employees Joint Consultative Committee (7)

Conservative Independent Alliance (4)	Ind (0)	Labour (2)	Liberal Democrat (1)
Bartholomew		Banfield	Webber
Handley		Price	
Heathcoat			
Reeves			

COUNCIL, COMMITTEE DATES 2019/20

CC – County Council

2019

Tues 2 April 10.30
Tues 21 May 10.30 am*
Tues 9 July 10.30 am
Tues 10 September 10.30 am
Tues 5 November 10.30 am
Tues 10 December 10.30 am

2020

Tues 11 February 10.30 am

*Annual Council meeting

CA - Cabinet

2019

Tues 23 April 2.00 pm
Tues 14 May 2.00 pm
Tues 18 June 2.00 pm
Tues 16 July 2.00 pm
Tues 17 September 2.00pm
Tues 15 October 2.00 pm
Tues 19 November 2.00 pm
Tues 17 December 2.00 pm

2020

Tues 21 January 2.00 pm
Tues 25 February 2.00 pm
Tues 17 March 2.00 pm

CMD: ASC, Cabinet Member Delegated Decisions: Adult Social Care,

2019

Tues 23 April 9.00 am
Tues 14 May 9.00 am
Tues 18 June 9.00 am
Tues 16 July 9.00 am
Tues 17 September 9.00 am
Tues 15 October 9.00 am
Tues 19 November 9.00 am
Tues 17 December 9.00 am

2020

Tues 21 January 9.00 am
Tues 25 February 9.00 am
Tues 17 March 9.00 am

CMD: LC, L, F, DL; Cabinet Member Delegated Decisions: Local Communities, Leader, Finance, Deputy Leader

2019

Tues 23 April 3.00 pm*
Tues 14 May 3.00 pm*
Tues 18 June 3.00 pm*
Tues 16 July 3.00 pm*
Tues 17 September 3.00 pm*
Tues 15 October 3.00 pm*
Tues 19 November 3.00 pm*
Tues 17 December 3.00 pm*

2020

Tues 21 January 3.00 pm*
Tues 25 February 3.00 pm*
Tues 17 March 3.00 pm*

*or on the rising of Cabinet whichever is the later

CMD: CS, PCS: Cabinet Member Delegated Decisions: Children's Services, Property & Cultural Services

2019

Mon 29 April 12.00
Mon 20 May 12.00
Mon 24 June 12.00
Mon 22 July 12.00
Mon 16 September 12.00
Mon 14 October 12.00
Mon 18 November 12.00
Mon 16 December 12.00

2020

Mon 20 January 12.00
Mon 24 February 12.00
Mon 23 March 12.00

CMDPHE - Cabinet Member Delegated Decisions: Public Health & Education

2019

Wed 24 April 10.00am
Wed 15 May 10.00am
Wed 12 June 10.00am
Wed 10 July 10.00am
Wed 18 September 10.00am

Wed 16 October 10.00am
Wed 13 November 10.00am
Wed 18 December 10.00am

2020

Wed 15 January 10.00am
Wed 12 February 10.00am
Wed 11 March 10.00am

CMDE - Cabinet Member Delegated Decisions: Environment

2019

Thurs 25 April 10.00 am
Thurs 23 May 10.00 am
Thurs 27 June 10.00 am
Thurs 18 July 10.00 am
Thurs 12 September 10.00 am
Thurs 10 October 10.00 am
Thurs 14 November 10.00 am
Thurs 19 December 10.00 am

2020

Thurs 16 January 10.00 am
Thurs 13 February 10.00 am
Thurs 26 March 10.00 am

PSC- Performance Scrutiny Committee

2019

Thurs 9 May 10.00 am
Thurs 4 July 10.00 am
Thurs 5 September 10.00 am
Thurs 7 November 10.00 am
Thurs 12 December (budget scrutiny meeting)

2020

Thurs 9 January 10.00 am
Thurs 12 March 10.00 am

ESC - Education Scrutiny Committee

2019

Wed 3 April 2.00 pm
Wed 19 June 2.00 pm
Wed 4 September 2.00 pm
Wed 20 November 2.00 pm

2020

Wed 5 February 2.00 pm

HOSC - Joint Health Overview & Scrutiny Committee

2019

Thurs 4 April 10.00am
Thurs 20 June 10.00am
Thurs 19 September 10.00am
Thurs 21 November 10.00am

2020

Thurs 6 February 10.00am

AG - Audit & Governance Committee

2019

Weds 8 May 2.00pm
Weds 17 July 2.00pm
Weds 11 September 2.00pm
Weds 13 November 2.00pm

2020

Weds 15 Jan 2.00pm
Weds 18 March 2.00pm

PF - Pension Fund

2019

Fri 7 June 10.00am
Fri 6 September 10.00am
Fri 6 December 10.00am

2020

Fri 6 March 10.00am

PLAN - Planning & Regulation Committee

2019

Mon 15 April 2.00 pm
Mon 3 June 2.00 pm
Mon 15 July 2.00 pm
Mon 9 September 2.00 pm
Mon 21 October 2.00 pm
Mon 9 December 2.00 pm

2020

Mon 27 January 2.00 pm
Mon 9 March 2.00 pm

RC - Remuneration Committee

2020

Tues 14 January 4.00 pm

HWB - Oxfordshire Health & Wellbeing Board

2019

Thurs 13 June 2.00pm

Thurs 26 September 2.00pm

Thurs 5 December 2.00pm

2020

Thurs 19 March 2.00pm

TJC - OCC & Teachers Joint Consultative Committee

2019

Thurs 6 June 2.00pm

Thurs 17 October 2.00 pm

2020

Thurs 27 February 2.00 pm

EMJCC - OCC & Employees Joint Consultative Committee

2019

Thurs 27 June 2.00pm

Thurs 12 September 2.00 pm

Thurs 28 November 2.00 pm

2020

Thurs 23 Jan 2.00 pm

FIRCC - OCC Joint Consultative Committee for Uniformed Members of the Fire Service

2019

Fri 14 June 10.00 am

Fri 20 September 10.00 am

Fri 13 December 10.00 am

2020

Fri 13 March 10.00 am

LPB - Local Pension Board

2019

Fri 26 April 10.30am

Fri 19 July 10.30 am
Fri 25 October 10.30 am

2020

Fri 24 January 10.30 am

MEETING DATES MARCH 2019 - MARCH 2020

Year/ Month	S/ S	MON	TUES	WED	THUR	FRI	S/ S	MON	TUES	WED	THUR	FRI	S/ S	MON	TUES	WED	THUR	FRI	S/ S	MON	TUES	WED	THUR	FRI	S/ S	Year/ Month						
APR 2019		1	2 CC	3 ESC	4 HOSC	5	6/7	8	9	10	11	12	13/14	15 PLAN	16	17	18	19	20/21	22	23 CMDASC CA CMD: L, F, LC, DL	24 CMDPH E	25 CMDE	26 LPB	27/28	29 CMD: CS, CPS	30	APR 2019				
MAY				1	2	3	4/5	6	7	8 AG	9 PSC	10	11/12	13	14 CMDAS C CA CMD: L, F, LC, DL	15 CMDPH E	16	17	18/19	20 CMD: CS, CPS	21 CC	22	23 CMDE	24	25/26	27	28	29	30	31	MAY	
JUN		3 PLAN	4	5	6 TJC	7 PF	8/9	10	11	12 CMDPH E	13 HWB	14 FIRCC	15/16	17	18 CMDASC CA CMD: L, F, LC, DL	19 ESC	20 HOSC	21	22/23	24 CMD: CS, CPS	25	26	27 CMDE EMJCC	28	29/30	31	JUN					
JUL		1	2	3	4 PSC	5	6/7	8	9 CC	10 CMDPH E	11	12	13/14	15 PLAN	16 CMDASC CA CMD: L, F, LC, DL	17 AG	18 CMDE	19 LPB	20/21	22 CMD: CS, CPS	23	24	25	26	27/28	29	30	31	JUL			
AUG					1	2	3/4	5	6	7	8	9	10/11	12	13	14	15	16	17/18	19	20	21	22	23	24/25	26	27	28	29	30	30/1	AUG
SEP		2	3	4 ESC	5 PSC	6 PF	7/8	9 PLAN	10 CC	11 AG	12 CMDE EMJCC	13	14/15	16 CMD: CS, CPS	17 CMDAS C CA CMD: L, F, LC, DL	18 CMDPH E	19 HOSC	20 FIRCC	21/22	23	24	25	26 HWB	27	28/29	30	SEP					

KEY

		Time
CC	Council	10.30am
CA	Cabinet	2.00pm
CMD:	Cabinet decisions	
L	Leader	3.00pm
DL	Deputy Leader	3.00pm
F	Finance	3.00pm
CS	Children's Services	12.00pm
PCS	Property & Cultural Services	12.00pm or at the rising of
ASC	Adult Services	9.00am
LC	Local Communities	3.00pm
PHE	Public Health & Education	10.00am
E	Environment	10.00am

		Time
Scutiny Committees		
PSC	Performance	10.00am
ESC	Education	2.00pm
HOSC	Oxfordshire Joint Health	10.00am

		Time
Council Committees		
AG	Audit & Governance	2.00pm
PLAN	Planning & Regulation	2.00pm
PF	Pension Fund	10.00am
RC	Remuneration	4.00pm
HWB	Oxfordshire Health & Wellbeing Board	2.00pm

		Time
Consultative Bodies		
TJC	Teachers Joint Committee	2.00pm
EMJCC	Employees Joint	2.00pm
FIRCC	Fire Services Joint	10.00am
LPB	Local Pension Board	10.30am

- = schools holidays
- = prov school hols
- =bank hols

MEETING DATES MARCH 2019 - MARCH 2020

Year/ Month	S/ S	MON	TUES	WED	THUR	FRI	S/ S	MON	TUES	WED	THUR	FRI	S/ S	MON	TUES	WED	THUR	FRI	S/ S	MON	TUES	WED	THUR	FRI	S/ S	Year/ Month						
OCT			1	2	3	4	5/6	7	8	9	10 CMDE	11	12/13	14 CMD: CS, CPS	15 CMDAS C CA CMD: L, F, LC, DL	16 CMDPH E	17 TJC	18	19/20	21 PLAN	22	23	24	25 LPB	26/27	28	29	30	31		OCT	
NOV		4	5 CC	6	7 PSC	8	9/10	11	12	13 CMDPH E AG	14 CMDE	15	16/17	18 CMD: CS, CPS	19 CMDAS C CA CMD: L, F, LC, DL	20 ESC	21 HOSC	22	23/24	25	26	27	28 EMJCC	29	30/1					1/2	NOV	
DEC		2	3	4	5 HWB	6 PF	7/8	9 PLAN	10 CC	11	12 PSC	13 FIRCC	14/15	16 CMD: CS, CPS	17 CMDAS C CA CMD: L, F, LC, DL	18 CMDPH E	19 CMDE	20	21/22	23	24	25	26	27	28/29	30	31			DEC		
JAN 2020				1	2	3	4/5	6	7	8	9 PSC	10	11/12	13	14 RC	15 CMDPH E AG	16 CMDE	17	18/19	20 CMD: CS, CPS	21 CMDASC CA CMD: L, F, LC, DL	22	23 EMJCC	24 LPB	25/26	27 PLAN	28	29	30	31		JAN 20
FEB		3	4	5 ESC	6 HOSC	7	8/9	10	11 CC	12 CMDPH E	13 CMDE	14	15/16	17	18	19	20	21	22/23	24 CMD: CS, CPS	25 CMDASC CA CMD: L, F, LC, DL	26	27 TJC	28	29/01						FEB	
MAR		2	3	4	5	6 PF	7/8	9 PLAN	10	11 CMDPH E	12 PSC	13 FIRCC	14/15	16	17 CMDAS C CA CMD: L, F, LC, DL	18 AG	19 HWB	20	21/22	23 CMD: CS, CPS	24	25	26 CMDE	27	28/29	30	31			MAR		

KEY

		Time
CC	Council	10.30am
CA	Cabinet	2.00pm
CMD:	Cabinet decisions	
L	Leader	3.00pm
DL	Deputy Leader	3.00pm
F	Finance	3.00pm
CS	Children's Services	12.00pm
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ASC	Adult Services	9.00am
LC	Local Communities	3.00pm
PHE	Public Health & Education	10.00am
E	Environment	10.00 am

		Time
Scutiny Committees		
PSC	Performance	10.00am
ESC	Education	2.00pm
HOSC	Oxfordshire Joint Health	10.00am

		Time
Council Committees		
AG	Audit & Governance	2.00pm
PLAN	Planning & Regulation	2.00pm
PF	Pension Fund	10.00am
RC	Remuneration	4.00pm
HWB	Oxfordshire Health & Wellbeing Board	2.00pm

		Time
Consultative Bodies		
TJC	Teachers Joint Committee	2.00pm
EMJCC	Employees Joint	2.00pm
FIRCC	Fire Services Joint	10.00am
LPB	Local Pension Board	10.30am

- = schools holidays
- = prov school hols
- =bank hols

**AUDIT &
GOVERNANCE
COMMITTEE
ANNUAL REPORT
2017/18**

Contents

Section	Page
Chairman's Introduction	3
Role of the Audit and Governance Committee	4
Key Activities	5
Membership, Meetings & Attendance	10
 Annex	
1 – Audit and Governance Committee Functions (extract from the Council's Constitution)	11
2 – Audit Working Group Terms of Reference	13

As the Chairman of the Audit and Governance Committee I am very pleased to present this annual report which sets out the role of the Audit & Governance Committee, and summarises the work we have undertaken both as a Committee, and through the support of the Audit Working Group during the financial year 2017/18.

The Committee operates in accordance with the good practice guidance produced by the Chartered Institute of Public Finance Accountancy (CIPFA) in 2013.

The Committee continues to be well supported by Officers, providing a high standard of reports and presentations. In particular I should like to thank the Internal Audit and the External Audit teams.

I should like to take this opportunity to give my personal thanks to all the officers, Dr Geoff Jones, Chairman of the Audit Working Group, my Vice Chairman Cllr Tony Ilott and without exception, all fellow Committee members who have contributed and supported the work of the Committee in such a meaningful and positive way throughout the past year.

COUNCILLOR NICK CARTER

Chairman, Audit & Governance Committee

Role of the Audit and Governance Committee

The Audit and Governance Committee operates in accordance with the “Audit Committees, Practical Guidance for Local Authorities” produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) in 2013. The Guidance defines the purpose of an Audit Committee as follows:

1. Audit committees are a key component of an authority's governance framework. Their function is to provide an independent and high level resource to support good governance and strong public financial management.
2. The purpose of and Audit Committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. By overseeing internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place.

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

Key Activities

In this section the activities of the Committee during 2017/18, including the Audit Working Group, are summarised under the headings of the key functions.

Internal Control

The Audit & Governance Committee approved the Annual Governance Statement (AGS) for 2016/17 in April 2017. This included actions for 2017/18, within the following areas, to improve existing governance arrangements. The Committee actively monitors progress with the implementation of the actions.

- Business Continuity
- Corporate Security
- Finance (Debt Management Strategy)
- Mental Health (in response to Internal Audit Report)
- Capital Programme (in response to Internal Audit Report)
- Target Operating Model

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

- Mental Health
- Capital Programme, Governance & Delivery
- S106
- VAT
- SEND inspection

The Committee receives and has considered updates in the following areas:

- Highways Partnership Contract
- Hampshire Partnership - Finance and HR updates
- Fit for the Future (transformation)
- Customer Services Improvement Programme
- GDPR (General Data Protection Regulations)
- Cyber Security

The Committee receives regular progress reports from the Chief Internal Auditor, including summaries of the outcomes from Internal Audit work. Through the Audit Working Group, the Committee monitors the progress with the implementation of management actions arising from audit reports.

Risk Management

The Committee, through the Audit Working Group, has continued to receive regular updates from the Assistant Chief Finance Officer (Assurance) on risk management, which includes the information included within the Business Management Report which is presented to the Council's Leadership Team.

The reports reviewed have demonstrated good progress in the alignment between risk and performance reporting and the link to strategic objectives. The Strategic risk has been subject to regular ongoing review by the Audit Working Group during 2017/18. The Audit Working Group is satisfied from their review that the process for reporting, escalating and managing risks is being maintained.

The Committee attended a training session on Risk Management during March 2018.

Internal Audit

The Committee in April 2017 approved the Internal Audit Strategy for 2017/18, including the annual audit plan and counter fraud plan, which provides members the opportunity to challenge and influence the plan where the Committee has identified areas of concern.

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

The annual review of the effectiveness of the system of Internal Audit, commissioned annually by the Committee was reported and considered in July 2017. Overall the results are very favourable and demonstrated a strong level of satisfaction about the nature and effectiveness of the service. There were no issues as regards the integrity, or capability, of any of the officers of Internal Audit; the comments continue to reflect that the service is well-regarded. The next annual review is due to report again in July 2018.

Internal Audit were also externally assessed during 2017/18 by CIPFA for compliance with the Public Sector Internal Audit Standards. The assessment outcome was very positive with only a small number of minor improvements to documentation required. The review concluded that "The service is highly regarded within the Council and provides useful assurance on its underlying systems and processes". The action plan to address the minor issues identified was considered by the Committee in January 2018 and completion of the action points will be reviewed at the July 2018 meeting.

The Committee has continued to monitor the resourcing of Internal Audit, and was pleased to note that the team throughout 2017/18 was fully resourced, including covering the maternity leave of the Principal Auditor

The Internal Audit Plan was completed by April 2018 Committee and the annual statement of the Chief Internal Auditor produced for the April 2018 Committee. Based on the evidence of the reports presented to the Audit Working Group and the Committee, the team continues to provide an effective challenge and therefore assurance on the key risk activities.

The Committee also met with the Chief Internal Auditor in a private session during September 2017, and are satisfied Internal Audit are free to carry out their duties without restrictions.

External Audit

The Council's external auditors, Ernst and Young, attended all the committee meetings during 2017/18, providing regular updates on their work plan and any matters arising. In addition they have provided the Committee with sector updates for consideration that highlight key themes, issues and priorities for local government. These have been well received and are very helpful to the Committee. The Committee received and reviewed the External Audit Annual Letter.

The external auditors have an open invitation to attend the Audit Working Group. They do not routinely attend, but do receive all the papers.

The Committee also met with the external auditors in a private session in September 2017 and are satisfied they are free to carry out their duties without restrictions. We are also assured that if identified they would bring any material issues to the attention of the Committee.

Anti-Fraud and Corruption

The Audit & Governance Committee and Audit Working Group receive regular updates from the Chief Internal Auditor on any reported matters of suspected fraud, including investigations. Outcomes of investigations are reported to and monitored by the Audit & Governance Committee.

The Council is continuing to work in collaboration with the Investigations Team in Oxford City Council who provides our counter-fraud service.

We received a report on Whistleblowing from the Monitoring Officer, that highlighted there have been very few cases.

Overall the Council has a strong system of internal control so it is not unexpected there is very little fraud identified; however nationally statistics show that fraud is on the increase, so it is important that we all remain vigilant.

Annual Accounts Process

The 2016/17 Accounts were prepared on time and presented to the Committee for comment. We received the External Auditors report in September 2017 when it was very pleased to note that high standards had been maintained with no material issues reported.

Treasury Management

The Committee receives reports from the Treasury Management Team three times a year, exercising its stewardship role. The Committee reviewed:

- The Treasury Management Outturn Report (July 2017)
- The Treasury Management Mid-term Performance Report (Nov 2017)

- The Treasury Management Strategy Statement and Annual Investment Strategy 2018/19 (January 2018)

There were no material issues to note.

The committee members attended an industry update briefing presented by Arlingclose covering new legislation and potential risks; to help inform the review of the 2018/19 Treasury Management Strategy.

Governance

The committee agreed the Annual Governance Statement 2016/17 that explained how the County Council had complied with the code of corporate governance. The Committee reviewed the Code of Corporate Governance (March 2018) and also the Constitution Review (January 2018).

The Committee and Audit Working Group also received the following reports, the annual report of the Monitoring Officer; the annual report of the Local Government Ombudsman; the use of the Regulation of Investigatory Powers Act 2000 (RIPA); review of scale of election fees 17/18 and, the Fire and Rescue Service Annual Statement of Assurance. There were no material issues or concerns arising.

The Committee received regular updates on the Fit for the Future Transformation programme.

The Committee has not received any reports in respect of investigations into allegations of misconduct under members' code of conduct. The Committee has not granted any dispensations from requirements relating to interests as set out in the code of conduct for members.

The Committee is responsible for the work of the Appeals & Tribunals Sub-Committee a panel of members that is chaired by a member of the Audit & Governance Committee*. They carry out a range of appeals and tribunals:

Type of appeal	Number in Calendar Year 2017
Member Appeals:	
Appeal against dismissal	0
Appeal against redundancy selection	1
Raising concerns at work appeals	0
Disciplinary and Capability appeals	0
Job Evaluation formal appeals	1

Home to School Transport Appeals	56 requested. (13 of which were heard as a group appeal relating to the safety of one particular walking route to school) 24 Upheld (wholly or in part) (13 of which were in the successful group appeal) 24 Refused 8 Withdrawn
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* Excluding Home to School Transport Appeals where the Panel is made up of one councillor, one officer and one independent person.

Membership, Meetings & Attendance

Audit and Governance Committee

The Audit and Governance Committee comprises of nine elected members representing the three main political parties and a Co-opted Member, Dr Geoff Jones.

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

Officers

The Audit and Governance Committee continues to be well supported by Officers, providing reports either in accordance with the Committee's work programme, or at the request of the Committee. In 2017/18 the Director of Finance, the Assistant Chief Finance Officer (Assurance), the Director of Law and Governance (& Monitoring Officer), and the Chief Internal Auditor routinely attended the meetings. These same officers also attended the Audit Working Group meeting.

External Audit

The External Auditors, Ernst and Young, have attended all the Audit and Governance Committee meetings.

Meetings

The Audit and Governance Committee met seven times in 2017/18 and the Audit Working Group met five times. Work programmes are used by both the Audit & Governance Committee and the Audit Working Group to ensure requirements of the Committee are fulfilled. The programmes are reviewed with officers at each meeting and added to when appropriate to ensure ad-hoc investigations instigated by the Committee are reported.

ANNEX 1 - Audit & Governance Committee Functions

The following are the functions of the Audit & Governance Committee extracted from the Constitution – Article 8

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

- arrangements for the prevention and detection of fraud and corruption; and
- the system for Treasury Management

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

- (7) To promote high standards of conduct by councillors and co-opted members.
- (8) To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the code of conduct for members.
- (9) To receive report from member-officer standards panels appointed to investigate allegations of misconduct under the members' code of conduct.
- (10) To advise the Council as to the adoption or revision of the members' code of conduct.
- (11) To implement the foregoing in accordance with a programme of work agreed by the Committee annually in advance, and to report to the Council on the Committee's performance in respect of that programme.
- (12) The Committee will appoint an Appeals & Tribunals Sub-Committee which will have the following responsibilities and membership:

Responsibilities:

- (i) 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.
- (ii) 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.
- (iii) To hear and determine appeals in other cases under the relevant procedure rules.

Membership:

The Appeals & Tribunal Sub-Committee will meet as needed and its membership will be:

- (i) A member of the Audit & Governance Committee (or substitute)
- (ii) Two other members of the Council (one being a Cabinet member in the case of Fire Discipline issues)

ANNEX 2 - Audit Working Group Terms of Reference

AUDIT WORKING GROUP TERMS OF REFERENCE

Membership

The Audit Working Group shall comprise of:-

The independent member of the Audit and Governance Committee who will chair the Group, together with four members of the Audit and Governance Committee, one of whom shall be the Chairman of the Committee. There will also be up to four named members of the Audit and Governance Committee who will deputise as required. Where the Chairman of the Audit and Governance Committee cannot attend the Audit Working Group, the Deputy Chair of the Audit and Governance Committee will be the named deputy.

The Director of Finance and/or Assistant Chief Finance Officer (Assurance), Director of Law and Governance (& Monitoring Officer), and the Chief Internal Auditor, or their representatives shall attend the Group meetings.

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

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

Role

The Audit Working Group shall:

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

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

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

receive private briefings on any matters of concern;

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

Reporting

The Director of Finance will report to the Audit and Governance Committee on matters identified by the Group following consultation with the Chairman and members of the Group.

Meeting

The Group shall meet regularly in cycle with the Audit and Governance Committee. The Group may invite any officer or member of the Council to attend its meetings to discuss a particular issue and may invite any representative of an external body or organisation as appropriate.

Confidentiality

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

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

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

UpdatedApril 2018

Review Date.....April 2019

Officer Responsible:
Sarah Cox, Chief Internal Auditor
Telephone 07393 001246
sarah.cox@oxfordshire.gov.uk

Division(s): N/A

COUNTY COUNCIL – 15 MAY 2018

OFFICER SCHEME OF DELEGATION

Report by the Director of Law and Governance

Introduction

1. At its Annual Meeting, Council is required to agree the officer scheme of delegation within the Council's Constitution.

Scheme of Delegation

2. The scheme of officer delegation is contained in Part 7.2 of the Council's Constitution. The Scheme of Delegation itself gives delegated authority to the Head of Paid Service, directors and other chief officers whose titles and/or areas of responsibility are set out in Part 2, Article 13 of the Constitution. Copies of both Article 13 and Part 7.2 are included as annexes to this report as Annexes 1 and 2 respectively).
3. Since the approval of the officer scheme of delegation at last year's Annual Meeting (May 2017) no further changes have been necessary and no senior management reviews have occurred in the meantime.
4. The Council's Fit for the Future transformation programme, working towards a new operating model, may have implications for delegated activity later in the year but not at this time: questions of delegation would be considered as part of the governance implications of any such decisions.

RECOMMENDATION

5. **Council is RECOMMENDED to approve the Officer Scheme of Delegation (Part 7.2 of the Constitution) as in the Annex 2 to this report.**

NICK GRAHAM

Chief Legal Officer and Monitoring Officer

Background papers: Nil

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

May 2018

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Officers

1. Management Structure

- (a) The full Council may engage staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) The Council will engage persons for the following chief officer posts:

Post	Principal Areas of Service
Chief Executive (and Strategic Director for Resources)	Head of the Council's paid service; overall corporate management and promotion of the Council's strategic objectives; information and communications technology; Oxfordshire Customer Services; cultural services; libraries; heritage services and museums; music service; the arts also areas of service managed by: <ul style="list-style-type: none"> • Assistant Chief Executive • Director of Finance • Director of Human Resources • Director of Law and Governance
Assistant Chief Executive	Strategic partnerships and the sustainable community strategy; media and communications; performance management.
Director of Finance	Corporate financial management and administration; internal audit; procurement.
Director of Human Resources	Human resources and organisational development.
Director of Law and Governance	Legal services and advice; coroner's and registration services; support for councillors and the democratic process; governance.
Director for Public Health (and Strategic Director for People) ¹	Public health; also areas of service managed by: <ul style="list-style-type: none"> • Deputy Director for Public Health • Director of Adult Services • Director of Children's Services
Deputy Director for Public Health	Promoting the health of the local population; commissioning public health services; health improvement; planning for public health incidents; monitoring uptake of screening/immunisations.

¹ The Director of Public Health is also the designated Chief Medical Adviser for the provision of emergency medical advice to the Council for the purposes of the Mental Health Act 1983

Post	Principal Areas of Service
Director for Adult Services ²	Adult social services; residential and nursing care; supported living; intermediate care; home support; assessment and re-ablement; occupational therapy; sensory impairment; mental health; carers services; translation and interpretation; adult learning; community safety; consumer protection and animal welfare; gypsy and traveller service; emergency planning.
Director for Children's Services ³	Children's services; early years and childcare; family support; fostering and adoption; looked-after children; residential and leaving care; asylum seekers; child protection; school performance; resourcing and support for schools; school governor support; school admissions; school transport (policy); special educational needs; behaviour support; teenage pregnancy; drugs and alcohol; youth service; youth justice
Strategic Director for Communities	Areas of service managed by: <ul style="list-style-type: none"> • Director for Community Safety & Chief Fire Officer • Director for Infrastructure and Delivery • Director for Planning and Place • Director for Property, Access and Investment
Director for Community Safety and Chief Fire & Rescue Officer	Fire and rescue services; and trading standards.
Director for Infrastructure and Delivery	Highways; network management; road safety and travel planning; transport development control; mainstream school and special needs transport; bus services; countryside and rights of way services; archaeological service; economic development; environmental and climate change policies

2. Full title: Director for Social & Community Services and Director of Adult Social Services

3.. Full title: Director for Children, Education & Families and Director of Children's Services

Post	Principal Areas of Service
Director for Planning and Place	Development plans and developer funding; strategic development schemes; spatial and minerals and waste planning; waste management
Director for Property, Access and Investment	Estates and valuation; property services; corporate security.

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer**
The Council will designate officers to perform these statutorily prescribed roles as follows:

Designation	Officer
Head of the Council's Paid Service	Chief Executive
Monitoring Officer	Director for Law and Governance
Chief Finance Officer	Director of Finance

The duties associated with these designations are set out in paragraphs 2 - 4 below.

- (d) For the avoidance of doubt, the officers under (b) and (c) are also to be regarded as Directors for the purposes of this Constitution, in addition to any specific duties and delegations attaching to their posts.

2. Functions of the Chief Executive

- (a) **Discharge of functions by the Council.** The Chief Executive will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

3. Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to councillors, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or, in the case of an executive function, to the Cabinet, if he or she considers that any

proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.¹

- (c) **Supporting the Audit & Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support and advice to the Audit & Governance Committee.
- (d) **Receiving complaints.** The Monitoring Officer will receive and act on complaints about Councillor conduct.
- (e) **Reviewing complaints.** The Monitoring Officer will review complaints in accordance with the Council's arrangements for dealing with member complaints.
- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.
- (j) **Issue of Guidance.** The Monitoring Officer will issue guidance from time to time on the discharge of the above functions.

4. Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the full Council or, in the case of an executive function, to the Cabinet, and to the Council's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

¹ Section 5 of the Local Government & Housing Act 1989

- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.²

² Section 151 of the Local Government Act 1972

- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Giving financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

5. **Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

6. **Deployment and Management of Staff in General**

- (a) The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out at Part 8.4 of this Constitution.
- (b) The Head of Paid Service will determine and publicise a description of the overall structure of the paid service of the Council showing the management structure and deployment of officers. This is set out at Part 7.1 of this Constitution.

7. **Powers Exercisable by Officers**

Officers may exercise functions of the Council, the Cabinet and committees of the Council to the extent and subject to the conditions specified in the Officer Delegations set out in Part 7 of this Constitution.

8. **Sub-Delegation to Designated Officers**

The Chief Executive's, Directors' and other officers' powers conferred by this Section and its Appendices, including any proper officer functions, may be exercised by other officers designated in writing by the Chief Executive, relevant Director or other officer, either generally or in specific circumstances.

9. **Conduct of Officers**

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations.

Scheme of Delegation to Officers

1. Introduction

- 1.1. This scheme of delegation authorises the relevant officers to exercise the functions of the council as set out in this scheme and the Constitution. For the purpose of this scheme, 'officers' includes the Chief Executive, directors and other officers whose titles and/or areas of responsibility are set out in Part 2, Article 13 of the Constitution.
- 1.2. This scheme is without prejudice to the exercise of the council's functions by the council, the Cabinet, the council's committees and sub-committees and their own powers of delegation and by the officers mentioned within 1.1 above.
- 1.3. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Chief Executive.
- 1.4. The council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her.
- 1.5. For the avoidance of doubt:
 - (a) the Chief Executive has over all other officers the powers which they are entitled to exercise under this Scheme;
 - (b) an officer may refer any matter to the Council, the Cabinet, or a committee of the Council as appropriate either:
 - (i) in lieu of exercising his/her powers in relation to that matter; or
 - (ii) for consultative purposes before exercising those powers;
 - (c) the power to exercise any function includes the power to exercise that function in a positive or negative manner or to refuse to exercise the function;
 - (d) nothing in this Scheme prevents the Council, the Cabinet or a committee of the Council from exercising a function in place of an officer;
 - (e) in this Scheme references to the Cabinet shall be taken to include the relevant Cabinet Member, a committee of the Cabinet or an area committee insofar as the function concerned has for the time being been delegated to such member or committee;

- (f) any exercise of delegation making incorrect references to any part of the Constitution, relevant statute, legislation or bylaw shall not of itself invalidate the authorised delegation.

2. Principles of Delegation

- 2.1. The Chief Executive and other officers (as defined in paragraph 1.1 of this Scheme) – known as ‘directors’ for the purposes of this Scheme of Delegation - are empowered to make decisions on behalf of the council in accordance with the following general principles:
- (a) If a function, power or responsibility has not been specifically reserved to the council, a committee, or the Cabinet, the director within whose remit the matter falls is authorised to act.
 - (b) The council, its committees and the Cabinet will make decisions on matters of significant policy. The Chief Executive and the directors have express authority to take all necessary actions to implement council, committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
 - (c) The Chief Executive and the directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.
 - (d) The Chief Executive and the directors are empowered to take all necessary decisions in cases of emergency¹.
 - (e) In relation to all delegated authority conferred on the directors by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the council in the interests of effective corporate management as he or she thinks fit.
 - (f) Where a director is absent from the workplace for a period of time that requires others to exercise delegated authority in the director’s absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing.
 - (g) Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive or their nominee is authorised to act;
 - (h) All directors are empowered to act as deputies of the Chief Executive in his/her absence, subject to the following:

¹ For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that failure to act would seriously prejudice the Council’s or the public’s interests. Such interests are to be interpreted widely and include (but are not limited to) the risk of damage to property or threat to the health or well being of an individual.

- (i) In the first instance, the person deputised to act will be the director named on the duty rota operated by the Council

- (ii) In the absence of both the Chief Executive and the duty rota director, any other director may deputise for the Chief Executive in consultation with the County Solicitor and Chief Finance Officer.
 - (i) Anything delegated to a director is also delegated to the Chief Executive;
 - (j) These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the council's goals.
 - (k) The exercise of delegated functions shall be in accordance with the managerial requirements of the Chief Executive otherwise than in matters of professional expertise, and subject to the legal requirements of the Director of Law and Governance and the financial requirements of the Director of Finance.
- 2.2. In deciding whether or not to exercise such delegated powers, the Chief Executive and the directors should consider whether to consult the appropriate Cabinet member(s) or committee chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.
- 2.3. The Chief Executive and the officers may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme.

3. Recording of Delegations and Decisions

- 3.1. All delegations conferred under this scheme must be recorded in writing by the Chief Executive and the directors in such a form as the Director of Law and Governance may prescribe (including for the avoidance of doubt any delegation under paragraph 2.1(e) above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name.
- 3.2. Each director will maintain a separate record of sub-delegations pertaining to his/her directorate and will provide copies to the Director of Law and Governance for retention.
- 3.3. The Director of Law and Governance will maintain a central record of all delegations under this scheme and make this available for public inspection. The record shall be kept up to date according to any additions or other variations to the powers and functions which are delegated to officers.
- 3.4. Any decision of an officer having substantive effect shall be recorded in such a manner that all those who may have an interest in that decision have certain knowledge of its effect. Any key decision shall be recorded as required by the

Access to Information Rules and notification given in accordance with the Scrutiny Procedure Rules at Part 6.2 of this Constitution.

4. Scope of Powers

- 4.1. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the council's constitution, including its contract and financial procedures and regulations, and overall council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the council.
- 4.2. Without prejudice to the generality of the foregoing the Chief Executive and directors shall have the power:
- (a) to take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:
 - (i) invitation and acceptance of tenders, subject to the Contract Procedure rules at Part 8.3 of this Constitution;
 - (ii) preparation and submission of bids for external funds or grants for purposes related to the provision of services and acceptance of such funds and grants on such terms and conditions as may be agreed, subject to consulting the Director of Law and Governance where contractual obligations are involved;
 - (iii) write-off of irrecoverable amounts (including bad debts) up to such limit as may for the time being be prescribed by the Financial Procedure Rules at Part 8.2 of this Constitution subject in each case to the written approval of the Director of Finance (or of a member of his/her staff nominated by him/her for that purpose) and to such approval being shown in the accounting records;
 - (iv) virement (within the budget framework);
 - (v) disposal and acquisition of assets;
 - (vi) subject to the requirements of the Director of Law and Governance given either generally or in a particular case, the issue of formal notices, orders, instructions and instruments required under any legislation relating to his/her functions and areas of service or otherwise to give legal effect to the exercise of the powers set out above;
 - (vii) authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing

on behalf of the council, subject to authorisation by the Director of Law and Governance;

- (viii) the negotiation of agreements or arrangements with other directorates of the Council or other companies or organisations relating to the provision of services for his/her directorate;
- (b) to put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility;
- (c) in the case of any overspend to notify the Director of Finance in the role of Section 151 officer in accordance with the financial procedure rules and regulations;
- (d) subject to the Officer Employment Rules set out at Part 8.4 of this Constitution, to determine staffing arrangements within his or her directorate within approved budgets (except for staff employed in schools with delegated budgets), including:
 - (i) appointments, unless the power to appoint to a particular post rests with the Council or a committee of the Council;
 - (ii) dismissal of any employee subject to the concurrence of the Director of Human Resources (except where the power of dismissal is vested by law in the Director);
 - (iii) the transfer of posts within the total establishment of his/her directorate;
 - (iv) all disciplinary matters;
 - (v) granting ex-gratia payments up to a limit determined by the Director of Law and Governance to employees who have suffered loss of, or damage to, personal property in the course of their work;
 - (vi) extending an employee's sick leave on half pay for a period not exceeding the equivalent period of half pay already received; and
 - (vii) granting up to 10 days' additional paid leave on compassionate grounds, or up to twelve months unpaid leave;
 - (viii) granting unpaid leave beyond twelve months, and any other exceptional request for leave, subject to the agreement of the Director of Human Resources and the Director of Finance.
- (e) to take all action to recruit, appoint, develop, manage and reward employees, in accordance with legislation and within approved council policies and procedures (including operation of policies for voluntary

severance, early retirement, redundancy and redeployment) and relevant conditions of service for staff.

5. Delegation in Practice

5.1. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:

- (a) a key decision should be taken in accordance with the relevant requirements (including the requirements for the recording of such decisions under Rule 18 of Part 8.1 of this Constitution);
- (b) the views of the relevant Cabinet member(s) and committee chairman following the application of the consultation criteria set out in paragraph (c) below;
- (c) the implication of any council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other services. In such cases, consultation with officers, relevant Cabinet member(s) or committee chairmen from any affected portfolio and local members, where the issue relates to a specific area, should take place;
- (d) consultation in accordance with the council's consultation strategy and the views emanating from that process;
- (e) the range of available options;
- (f) the staffing, financial and legal implications;
- (g) the assessment of any associated risks in accordance with the council's risk management strategy;
- (h) the involvement of appropriate statutory officers and/or other directors;
- (i) the relevance of any regional or national guidance from other bodies;
- (j) the council's constitution, including the Forward Plan, its contract and financial procedures and regulations, all relevant guidance, legislation, codes of practice and protocols.

5.2. Any member may request that executive decisions taken by officers under delegated powers are scrutinised by the appropriate scrutiny committee.

6. Specific Powers and Functions

6.1. Subject to the foregoing and without prejudice to the general effect of this scheme, the Chief Executive and directors designated for the purpose may exercise such specific powers and functions:

- (a) in the capacity of proper officer; or
- (b) otherwise on behalf of the Council, the Cabinet or a committee of the Council

as may be delegated to them from time to time. The powers and functions which are for the time being delegated to the Chief Executive, Director of Law and Governance and the Director of Finance are listed in this section.

6.2. The Director of Law and Governance shall keep this scheme of delegation up to date according to any additions or other variations to the powers and functions of the Chief Executive, Director of Law and Governance, the Director of Finance and directors.

6.3. The **Chief Executive** is authorised to undertake:

- (a) The functions under Section 4 of the Local Government and Housing Act 1989 as the Head of Paid Service of the Council, and in accordance with Article 13 of this Constitution.
- (b) Allocation of accommodation for the purposes of the Council, the Cabinet, committees, sub-committees and members.
- (c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate Director and thereafter:
 - (i) in the case of an executive function, with the Leader of the Council or, in his/her absence, the Deputy Leader of the Council; or
 - (ii) in any other case, with the Chairman of the relevant committee or sub-committee or, in his/her absence, the Deputy Chairman of the relevant committee or sub-committee.

Any exercise of these functions shall be reported to the Cabinet or other relevant committee or sub-committee and shall be published on the website as soon as possible.

- (d) Following consultation with employees' representatives and with the Cabinet Member having responsibility for human resources and any other member(s) of the Cabinet whose responsibilities include a service particularly affected, approval of amendments to the County Council's personnel policies and procedures, subject to reference being made to the Cabinet where either:
 - (i) they would have material budget implications; or
 - (ii) material concerns about them have been expressed by the employees' representatives.

- (e) The powers and duties of County Returning Officer for the purposes of Section 35 of the Representation of the People Act 1983.

6.4. The Director of Law and Governance is authorised to:

- (a) take any action to implement any decision taken by or on behalf of the council, including the signature and service of statutory and other notices and any document; and authority to apply the Common Seal of the County Council to deeds in order to execute them;
- (b) institute, defend, settle or participate in any legal proceedings or disputes in any case where such action is necessary to give effect to decisions of the council or in any case where the Director of Law and Governance considers that such action is necessary to protect the council's interests;
- (c) consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the council, and the negotiation and settlement of legal disputes on behalf of the Council, the Cabinet, committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where he/she considers formal representation to be proper, including the incurring of such fees in respect thereof as may be appropriate;
- (d) authorisations under Section 223 of the Local Government Act 1972 (appearance by persons other than solicitors in legal proceedings);
- (e) acting as trustee on behalf of the Council in respect of any matter whereon he/she considers such action to be appropriate;
- (f) enter objections to any proposal affecting the county, the council or the inhabitants of the county;
- (g) undertake the following proper officer functions of the Council under the Local Government Act 1972:
 - (i) Declaration of Acceptance of Office (Section 83);
 - (ii) Notice of Resignation of Office (Section 84);
 - (iii) Convening of and Summonses to Meetings (Section 88 & Schedule 12);
 - (iv) Filling of Casual Vacancies (Section 89);
 - (v) General Notices regarding Pecuniary Interest (Section 96);
 - (vi) Ordnance Survey (Section 191);
 - (vii) Charitable Trusts (Section 210);
 - (viii) Deposit of Documents (Section 225);
 - (ix) Certificate of Photographic Copies of Documents (Section 229);
 - (x) Authentication of Documents (Section 234);
 - (xi) Procedure etc. for Bye-Laws (Section 236);
 - (xii) Evidence of Bye-Laws (Section 238);
 - (xiii) Enactments relating to Town & Country Planning (Schedule 16)

- (xiv) Adaptations, Modifications and Amendments of Enactments (Schedule 29);

- (h) the functions of Monitoring Officer within the meaning of Section 5 of the Local Government and Housing Act 1989 and in accordance with Article 13 of this Constitution;
- (i) the proper officer functions of the Council for the purposes of giving public notice of the receipt of a report from the Local Commissioner, for the purposes of Part III of the Local Government Act 1974;
- (j) following consultation with the Director of Finance and with the Leader and Deputy Leader of the Council, approval of new or amended operational policies and procedures for the governance of the Council, subject to reference being made to the Cabinet where either:
 - (i) they would have material budget or substantive policy implications; or
 - (ii) material concerns about them have been expressed by the employees' representatives;
- (k) such proper officer functions of the Council other than those specified in this section as are not specifically delegated to any other officer;
- (l) the functions under Section 16(1) and Section 16(2) of the Local Government and Housing Act 1989 to give effect to the wishes of the political groups as regards membership of scrutiny committees and committees of the Council;
- (m) the proper officer functions of the Council for the purposes of Part VA of the Local Government Act 1972 (Access to Information);
- (n) making of appointments to outside bodies in accordance with the Council's published arrangements relating to representation on outside bodies;
- (o) making of appointments to school admission and exclusion appeal panels;
- (p) to adjust the terms of reference of a scrutiny committee to reflect detailed changes in the remits of individuals or bodies which are specified in those terms of reference, subject to the concurrence of the Scrutiny Co-ordinating Group in each case;
- (q) authorisation of the reproduction or display of the Council's armorial bearings or any part thereof;
- (r) as Monitoring Officer, the functions of the 'qualified person' under the Freedom of Information Act 2000 (Section 36(5)(o)(iii)) for determining whether the exemptions under Section 36 are engaged.

6.5. The **Director of Finance** is authorised to undertake:

- (a) The proper officer functions of the Council for the purposes of Section 115 of the Local Government Act 1972 (Receipt of Money) and for the administration of the Council's financial affairs under Section 151 of the Act, and in accordance with Article 13 of this Constitution.
- (b) The proper officer functions of the Council for the purposes of Section 146 of the Local Government Act 1972 - Transfer of Securities.
- (c) The functions of 'responsible officer' for the purposes of financial administration under the Local Government Finance Act 1988.
- (d) Functions as the officer responsible for maintaining an adequate and effective system of internal audit.
- (e) Implementation of pay awards made nationally or locally under procedures recognised by the Council.
- (f) The making of investments of the County Pension Fund in accordance with the policies determined by the Pension Fund Committee.
- (g) Determination of cases of whether the education or training should be treated as continuous where an eligible child for the payment of a dependent's pension benefit under the Local Government Pension Scheme Regulations is over 17 and has been engaged continuously in full-time education or in training for a trade, profession or vocation has taken a gap year, subject to a report to the Pension Fund Committee on such determinations.

6.6. **Directors**

Each director is authorised to act on behalf of the Council in relation to any operational matters within the service areas for which s/he is responsible as set out in Article 13, subject to the provisions of Part 7.2 of this Constitution. The director will maintain a separate record of sub-delegations pertaining to his/her directorate and will provide copies to the Director of Law and Governance for retention under this Schedule.

6.7. For the avoidance of doubt, the delegation to the Director for Environment & Economy includes the power, jointly with the Director of Law and Governance, to determine applications for certificates of lawfulness of existing or proposed use or development.