



**OXFORDSHIRE  
COUNTY COUNCIL**



To: Members of the Joint Shared Services & Personnel Committee

***Notice of a Meeting of the Joint Shared Services &  
Personnel Committee***

**Monday, 14 March 2022 at 10.00 am**

**Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA**

Yvonne Rees  
Chief Executive, Cherwell District Council

4 March 2022

Stephen Chandler  
Interim Chief Executive,  
Oxfordshire County Council

*Committee Officer:*

**Natasha Clark**

*Email: natasha.clark@oxfordshire.gov.uk*

*Tel: 01295 221589*

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**Membership**

Chairman – Councillor Liz Brighthouse OBE  
Deputy Chairman – Councillor Ian Corkin

*Councillors*

Donna Ford

Mike Kerford-Byrnes

Eddie Reeves

Andrew Gant

Liz Leffman

Barry Richards

Ian Middleton

Barry Wood

## 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 [democracy@oxfordshire.gov.uk](mailto:democracy@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.**

# AGENDA

## 1. Welcome and Introductions

The Chair to invite all meeting attendees to introduce themselves

## 2. Apologies for Absence and Temporary Appointments

## 3. Declarations of Interest - see guidance note

## 4. Minutes (Pages 1 - 6)

To approve the minutes of the meeting held on 1 February 2022.

## 5. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection. In line with current Government advice, those attending the meeting in person are asked to consider wearing a face-covering.

Normally requests to speak at this public meeting are required by 9 am on the day preceding the published date of the meeting. However, during the current situation and to facilitate 'hybrid' meetings we are asking that requests to speak are submitted by no later than 9am four working days before the meeting i.e. 9 am on Tuesday 8 March 2022. Requests to speak should be sent to [natasha.clark@oxfordshire.gov.uk](mailto:natasha.clark@oxfordshire.gov.uk)

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

## 6. Joint Shared Services and Personnel Committee Terms of Reference (Pages 7 - 10)

The Chair to confirm adoption of the amended Terms of Reference (attached) be each council's Full Council

## 7. Joint Officer Transition Working Group (JOTWG) Update

The CDC Chief Executive and OCC Interim Chief Executive, supported by Joint Officer Transition Working Group (JOTWG) members, to provide an update to the Committee which the Committee is recommended to note.

Should it be necessary to consider exempt information as defined in paragraphs 1, 2, 3 or 4 of Part 1 of schedule 12A Local Government Act 1972, the Committee will need to refer to agenda item 9 to exclude the press and public for the duration of any such discussion

## **8. Interim Staffing Structural Arrangements**

The CDC Chief Executive and OCC Interim Chief Executive to update the Committee, which the Committee is recommended to note.

Should it be necessary to consider exempt information as defined in paragraphs 1, 2, 3 or 4 of Part 1 of schedule 12A Local Government Act 1972, the Committee will need to refer to agenda item 9 to exclude the press and public for the duration of any such discussion

## **9. Exclusion of the Press and Public (if required)**

Should it be necessary to consider exempt information as defined in the following paragraphs of Part 1 of schedule 12A Local Government Act 1972 in relation to agenda items 7 or 8.

1 - Information relating to any individual.

2 – Information which is likely to reveal the identity of any individual

3– Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Members are reminded that whilst the following items have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, Members should balance the interests of individuals or the Councils in having access to the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

Should Members decide not to consider the matter and make a decision in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Schedule 12A of that Act.”

**10. Joint Officer Transition Working Group (JOTWG) Update - Exempt matters (if required)**

To consider, if required, exempt matters arising from the Joint Officer Transition Working Group (JOTWG) update

**11. Interim Staffing Structural Arrangements - Exempt matters (if required)**

To consider, if required, exempt matters arising from the Interim Staffing Structural Arrangements update

**DATES OF FUTURE MEETINGS**

Dates of future meetings will be confirmed in due course

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## OXFORDSHIRE JOINT SHARED SERVICES & PERSONNEL COMMITTEE

**MINUTES** of the meeting held on Tuesday, 1 February 2022 commencing at 1.30 pm and finishing at 2.40 pm

**Present:**

Councillor Liz Brighthouse OBE – in the Chair

Councillors:

Ian Corkin  
Donna Ford  
Andrew Gant

Liz Leffman  
Ian Middleton  
Eddie Reeves

Barry Richards  
Barry Wood  
Tony Ilott

*The meeting considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below.*

**1/22 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**  
(Agenda Item 1)

Apologies were received from Councillor Mike Kerford-Byrnes (Councillor Tony Ilott substituting)

**2/22 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE**  
(Agenda Item 2)

There were no declarations of interest.

**3/22 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2021/2022**  
(Agenda Item 3)

It was proposed by Councillor Corkin and seconded by Councillor Leffman that Councillor Brighthouse OBE be appointed Chair of the Joint Shared Services and Personnel Committee for the municipal year 2021/2022.

There were no further nominations.

**Resolved**

That Councillor Brighthouse OBE be appointed Chair of the Joint Shared Services and Personnel Committee for the municipal year 2021/2022.

**4/22 APPOINTMENT OF DEPUTY CHAIR FOR THE MUNICIPAL YEAR 2021/2022**  
(Agenda Item 4)

It was proposed by Councillor Brighthouse OBE and seconded by Councillor Ilott that Councillor Corkin be appointed Deputy Chair of the Joint Shared Services and Personnel Committee for the municipal year 2021/2022.

There were no further nominations.

### **Resolved**

That Councillor Corkin be appointed Deputy Chair of the Joint Shared Services and Personnel Committee for the municipal year 2021/2022.

### **5/22 MINUTES OF PREVIOUS MEETING**

(Agenda Item 5)

The minutes of the meeting of the Committee held on 25 March 2021 were agreed as a correct record.

### **6/22 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 6)

There were no petitions or requests to address the meeting.

### **7/22 S113 AGREEMENT OXFORDSHIRE COUNTY COUNCIL AND CHERWELL DISTRICT COUNCIL**

(Agenda Item 7)

The Chief Executive submitted a report for the Committee to consider and recommend to the respective Full Councils the arrangements to agree to end the formal partnership arrangements between Cherwell District Council and Oxfordshire County Council.

In introducing the report, the Director of Law and Governance explained that the shared services arrangements between Oxfordshire County Council and Cherwell District Council have been in place since 2018 and they have been effective. The pandemic has had a significant impact upon both Councils which has led to wider partnership working amongst all of the local authorities and partners in Oxfordshire. It was now an appropriate time to explore wider partnership working outside the s 113 Agreement and there was mutual agreement to formally end the arrangements between the two Councils.

In response to Members' questions regarding the PWC work reviewing the partnership working arrangements that would now inform the due diligence work envisaged by the report submitted to JSSPC, the Director of Law and Governance explained that the report was awaited. The Terms of Reference of the PWC work would be circulated to JSSPC members.

In response to Members' questions regarding the rationale for decisions of the JSSPC to be unanimous under the proposed revised terms of reference, the Director of Law and Governance advised that this reflected the fact that it



was a mutual termination of the S113 and would ensure all parties were supportive of business cases and transition arrangements going forward.

The Chair highlighted each council had different statutory responsibilities. Prior to business cases coming forward to JSSPC, the proposed Officer Working Group would have engaged and discussed with relevant Members at each council and should therefore be acceptable. There would however be a process that would be followed in the case of dispute.

In response to Members' questions regarding the notice and cessation arrangements in the original S113 agreement, the Director of Law and Governance explained that when the S113 was entered into, it was on the basis of a shared Chief Executive and there has been incremental development. JSSPC was recommended to recommend to the respective Full Councils to agree the principles for disaggregation. Subject to the respective decisions to mutually serve formal notice to terminate the S113, disaggregation would not impact each council's decision making, sovereignty or fulfilling of statutory responsibilities.

With regards the financial principles, the Director of Finance confirmed that the termination of the S113 Agreement would not prevent either council from setting its 2022/2023 budget. It was not possible to quantify costs until the due diligence exercise was undertaken but reasonable provision had been made in both council's budgets. This would determine costs and each service area would be looked at separately due to different arrangements being in place for different service areas.

### **Resolved**

- (1) That it be resolved that a mutual and consensual decision be proposed to be taken by the Full Councils of both Oxfordshire County Council and Cherwell District Council to terminate the s 113 Agreement dated 31 August 2018.
- (2) That the Full Councils of both Oxfordshire County Council and Cherwell District Council be recommended to give notice to terminate the s 113 Agreement dated 31 August 2018 regarding joint working between the two authorities.
- (3) That it be agreed that the report submitted to this Committee and the resolutions of this Committee be forwarded to the Full Councils of both Oxfordshire County Council and Cherwell District Council for their consideration.
- (4) That it be noted that subject to the Full Councils of the two Councils resolving to terminate the s 113 Agreement dated 31 August 2018, it has been agreed that the arrangement for Cherwell District Council to share its Chief Executive with Oxfordshire County Council will cease and she will revert to be the Chief Executive of Cherwell District Council solely.

- (5) That it be recommended to the respective Councils that they agree that on or before 9 February 2022, they will appoint or ensure that they have filled (at least on a temporary basis) their other statutory officer roles (i.e. s151 officer and Monitoring Officer) with officers who are no longer shared between the respective councils.
- (6) That, subject to the Full Councils of the two Councils resolving to terminate the s 113 Agreement dated 31 August 2018, relevant officers be instructed to establish a Joint Officer Working Group, carry out a short and directed due diligence exercise on the current extent and cost of the s 113 arrangements and thereafter to prepare a transition plan to separate the joint working arrangements between the two authorities; ensuring steps are put in place to maintain effective operational activity in accordance with the s 113 Agreement.
- (7) That the two Councils should consider the ongoing role of the JSSP in providing suitable oversight and decision-taking concerning the termination of the s 113 Agreement and to this end, both Councils be recommended to agree that the Partnership Working Group is dissolved and the JSSP terms of reference are amended to include:
- that the JSSP shall be given responsibility to oversee the role of the Joint Officer Working Group;
  - to be kept informed as to progress regarding the termination arrangements;
  - to take non-executive decisions as necessary;
  - all decisions of the JSSP will be taken on the basis of unanimity
- (8) That the two Councils be recommended to resolve to adopt the Financial Principles for the termination of the s 113 Agreement as set out below:
- i. The Councils will, acting reasonably, utilise the due diligence exercise to help identify and agree the costs that will be included in the costs of settlement calculation including any time frame for their inclusion in said calculation.
  - ii. The s 113 Agreement indicates that the majority of costs of termination should, in the ordinary course, be borne equally by the two Councils.
  - iii. It is acknowledged however, that the historic utilisation and therefore cost of the provision of the services has not been equally split and often utilisation is often weighted in favour of one council over the other. The Councils also recognise their size, and the future utilisation of arrangements will also not be equal as between them.
  - iv. To this end the Councils will use all reasonable endeavours to agree the apportionment of settlement costs arising from the termination proportionately, fairly and taking into account historic or actual cost sharing percentages and any mutual provision that it is agreed will be put in place for discrete service areas.

JSSPC

- v. Unless otherwise agreed, the Councils agree that any internal or external costs incurred by them in relation to the management of the transition period shall be borne by each Council
- vi. However, if in relation to any specific item of cost, it is not possible to agree a different apportionment of the cost, the apportionment will be referred to mediation in accordance with the Dispute Resolution process outlined above.

..... in the Chair

Date of signing .....

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## **Joint Shared Services and Personnel Committee Terms of Reference**

Under Local Government Act 1972 s.101 (5) two or more local authorities may appoint a joint committee to discharge any of their functions that are not reserved for the sole decision of a single authority in legislation. The Joint Committee can authorise an officer employed by either authority to act on its behalf. Whilst it is envisaged that the majority of daily business and processes such as recruitment, personnel and appeals will be carried out under each employing authority's decision-making processes, there are a few functions which are best delivered through joint arrangements.

**Area:** the Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.

**Membership:** the Committee shall be comprised of 10 Councillors, 5 from Cherwell District Council and 5 from Oxfordshire County Council with 5 named substitutes from each authority. All Councillors including substitutes will receive appropriate training before they can participate as a Committee member.

**Quorum:** will be 3 Members from each authority.

**Chairman:** the Chair and Vice Chair will be elected annually by the committee and will be representative of each authority.

**Decision making:** all decisions will be taken on the basis of unanimity

### **Terms of Reference**

- To be responsible for overseeing the role of the Joint Officer Working Group
- To be kept informed as to progress regarding the termination arrangements and to take any non-Executive decisions as necessary
- To have responsibility for and to take any decision on staffing matters, (other than those delegated to officers) and any other non-executive decisions function specifically delegated to the committee by the respective councils, for any shared service established for the councils
- To have responsibility for and to take any executive decisions (other than those delegated to officers), specifically delegated to it by the respective Executive arrangements of the councils with regard to any shared service established for the councils
- To ensure that any shared service meets the requirements of the councils in furthering the objectives of their respective corporate plans.
- To set and monitor performance standards and budgets for shared services, providing intervention where required.

- To take all executive decisions with regard to any established and future shared service.

### Shared Management

In the case of shared Chief Officer posts:

- To act as the interviewing panel for the Head of Paid Service (Chief Executive), making recommendations to the councils for formal appointment.
- To act as the interviewing panel and appoint shared chief officers (Officers who report to the Chief Executive) working across the councils (NB. Anyone involved in the decision for a particular post must be present throughout the entire interview process).

### Shared Posts

Where a business case has been agreed by the councils and a decision made to share a service between them to:

- Agree posts to be declared 'at risk', and to approve dismissal, including compulsory or voluntary redundancy and the exercise of discretionary awards to any post where costs are shared or are going to be shared. This excludes the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (if shared) on the grounds of misconduct which must be the subject of a resolution of the relevant full Council following compliance with the procedure set out in the Officer Employment Procedure Rules.
- Determine the terms and conditions of employment of any posts where costs are shared or are going to be shared.
- Determine and review all policies affecting the employment of staff in posts where costs are shared or going to be shared.
- Approve the creation of new posts where this is an increase to the establishment and there is no budget where costs are shared or are going to be shared.
- Approve any restructuring of teams involving more than twenty posts where costs are shared or are going to be shared.

### Shared Statutory Officer Discipline

The role and responsibilities of the Joint Shared Services and Personnel Committee with regard to shared Statutory Officer disciplinary action is to:

- Deal with minor instances of unsatisfactory conduct at an early stage.

- Ensure that the Statutory Officer clearly understands the standards of conduct expected of him/her.
- Carry out, or make arrangements for, an investigation when any breach of discipline is alleged.
- Ensure that the Statutory Officer subject to investigation is kept up-to-date with progress.
- Decide, in the most serious cases whether or not to suspend or (where the Statutory Officer has already been suspended by the Head of Paid Service or Monitoring Officer under their delegated powers) to continue the suspension of the Statutory Officer, in accordance with the Statutory Officer disciplinary policy.
- Report to Full Council (of the employing authority) in respect of a recommendation to dismiss, having convened a Panel comprising Independent Persons in accordance with the Officer Employment Procedure Rules.

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