

COUNCIL – 2 APRIL 2013
IMPROVED MEMBER ENGAGEMENT & STREAMLINED
GOVERNANCE

GOVERNANCE REVIEW

Report by County Solicitor & Monitoring Officer

Background

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

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

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

Cabinet Advisory Groups

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

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

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

Transport Advisory Panel

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

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

Overview and Scrutiny

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

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

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

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

Locality Working

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

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

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

Member Induction

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

Changes to other committees

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

Annual Review

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

Health and Wellbeing Board

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

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

Updates to the Constitution

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

32. RECOMMENDATIONS

Council is RECOMMENDED to:

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

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