

## Cabinet Advisory Groups

### 1. Introduction

The Cabinet, or individual Cabinet Members *[following notification to the County Solicitor]* may appoint Cabinet Advisory Groups. It is intended that no more than five such Advisory Groups will be appointed at any one time unless particular circumstances necessitate the appointment of additional Groups.

Cabinet Advisory Groups are not formal meetings of the Council and do not have the status of advisory committees under the Local Government Act 1972 Section 102(4).

Cabinet Advisory Groups will assist the Cabinet by focusing on Cabinet-identified priorities linked to the Corporate Plan. They will have the following common terms of reference although their specific remit will be determined by the appointing body/member.

### 2. Terms of reference:

- i. will explore key policy issues selected by Cabinet and which align to corporate priorities and will make recommendations upon them to Cabinet and/or to the appropriate Cabinet Member;
- ii. may conduct research, community and other consultation in the analysis of policy and possible options;
- iii. may liaise with other organisations operating in the area, whether national, regional or local, to ensure that policy recommendations are thus enhanced to reflect the interests of local people;
- iv. will operate as task and finish groups;
- v. will be chaired by the relevant Cabinet Member as part of their portfolio responsibility or by a nominated vice-chairman in his/her absence;
- vi. will have a membership of approximately 7 members including the chairman appointed to it although the precise number may vary according to the issue under consideration;
- vii. will follow the rules of political proportionality following receipt of nominations from group leaders having regard to:
  - a. A member's interest in the topic in question
  - b. Geographical representation – that is, membership from across Oxfordshire
  - c. Cross party - reflecting the balance of the political parties within the Council as a whole

- viii. will have quorum of three members one of which should be the Cabinet Member chairing it or its vice-chairman;
- ix. notwithstanding that the Groups are not formal committees of the Cabinet or Council, there will be a presumption that meetings will take place in public; nevertheless there may be occasions when the Groups may wish to meet in public having regard to the issues being considered and the exploration of all available options;
- x. will in any case report formally to the Cabinet and/or to the appropriate Cabinet Member;
- xi. will meet on the dates and at the times and places determined by the chairman of the Group which shall be set as far as possible in advance and notified to members of the Group and if appropriate to the public
- xii. will operate such that agendas and reports are sent to members of the Groups at least five clear days in advance of each meeting and that any public meetings are published as if the access to information rules applied ;
- xiii. may give consideration to any petitions received by the Council which may be of relevance to the topic area under consideration;
- xiv. will determine their final recommendations to Cabinet and/or the appropriate Cabinet Member by consensus if at all possible or by means of a show of hands if necessary.

# Transport Advisory Panel

## 1. Transport Advisory Panel

The Cabinet will appoint a Transport Advisory Panel to support the Cabinet Member for transport with his/her decision-making. The Transport Advisory Panel is not a formal meeting of the Council or Cabinet and does not have the status of an advisory committee under the Local Government Act 1972 Section 102(4). The Transport Advisory Panel will have the following terms of reference.

## 2. Purpose

The Panel will advise the Cabinet member on transport policy developments and will ensure that policies are developed with the needs of Oxfordshire's diverse communities in mind.

## 3. Terms of reference

- i. will meet at least six times a year;
- ii. will be chaired by the relevant Cabinet Portfolio holder or by the nominated vice-chairman in his/her absence;
- iii. will follow the rules of political proportionality;
- iv. will have a membership of 12 members nominated by group leaders and having regard to the aim to create a geographical spread bearing in mind the Council's designated localities;
- v. will have quorum of four members one of whom should be the Cabinet Member chairing it or its vice-chairman;
- vi. notwithstanding that the Panel is not a formal committee of the Cabinet or the Council, there will be a presumption that its meetings will take place in public; nevertheless there may be occasions when the Panel may wish to meet in private having regard to the issues being considered and the exploration of all available options;
- vii. **notification of public right to raise** will meet on the dates and at the times and places determined by the chairman of the Group which shall be set as far as possible in advance and notified to members of the Group;
- viii. will operate such that agendas and reports are sent to members of the Panel at least five clear days in advance of each meeting and that any public meetings are published as if the access to information rules applied;
- ix. may give consideration to any petitions received by the Council which may be of relevance to the topic area under consideration;

- x. will determine their final recommendations to Cabinet and/or the appropriate Cabinet Member by consensus if at all possible or by means of a show of hands if necessary.

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# Overview and Scrutiny Committees

## 1. Terms of Reference

The Council will appoint two overview scrutiny committees and a joint health overview and scrutiny committee as set out below. The two overview and scrutiny committees will conduct their proceedings in accordance with the Overview & Scrutiny Procedure Rules at Part 6.2 of the Constitution. The Joint Health Overview and Scrutiny Committee is established in accordance with Article 10 of the Constitution.

The Council's Overview and Scrutiny Committees and Joint Health Overview & Committee will each meet at least 4 times a year and will have the membership indicated below. The chairman of the meetings will be the best person for the role, in the opinion of the committees, regardless of party affiliations.

## 2. General role:

Within their specific terms, each scrutiny committee may:

- (i) establish their own working groups in order to explore issues further;
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) consider any matter affecting the area or its inhabitants;
- (iii) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (iv) conduct, as appropriate, any research, community or other consultation in the analysis of policy issues and possible options;
- (v) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (vi) question members of the Cabinet, ordinary committees and officers about their views on issues and proposals affecting Oxfordshire or about their decisions;
- (vii) report annually to full Council on their work and make recommendations for future work programmes as appropriate;

## 3. Performance Overview and Scrutiny Committee

The Performance Overview and Scrutiny Committee will have 10 members. Its terms of reference will be:

- (i) To review and scrutinise the performance of the Council and to provide a focused review of:
  - a. Corporate performance and directorate performance and financial reporting
  - b. Budget scrutiny
- (ii) To monitor the performance of the Council by means of effective key performance indicators, review of key action plans and obligations and through direct access to service managers, Cabinet Members and partners;
- (iii) To exercise the statutory right to call-in, for reconsideration, decisions made but not yet implemented by or on behalf of the Cabinet;
- (iv) To address any queries or issues of concern that may occur over decisions being taken in relation to adult social care;
- (v) To fulfil the Council's scrutiny responsibilities under the Crime and Justice Act 2006.

#### **4. Education Overview and Scrutiny Committee**

The Education Overview and Scrutiny Committee will have a membership of 7 county councillors plus 4 co-opted members. The county councillor membership will be politically proportional. The terms of reference of the Committee will be:

- (i) To focus on the following key areas:
  - a. The work of the Education Transformation Board, providing a two way relationship with the Board which oversees the education strategy, and including review of the annual report of the Board.
  - b. Constructive challenge on performance issues with the Education Transformation Board highlighting issues where the Committee can support the improvement dialogue.
  - c. Reviewing the Council's education functions including early years, Special Education Needs and school place planning
  - d. Reviewing the progress of, and any issues emanating from, the School Organisation Stakeholder Group with regard to admissions patterns and arrangements;
  - e. Reviewing issues raised by the Schools Forum.
- (ii) To assist the Council in its role of championing good educational outcomes for Oxfordshire's children and young people;
- (iii) To provide a challenge to schools and academies and to hold them to account for their academic performance;
- (iv) To promote joined up working across organisations in the education sector within Oxfordshire;

- (v) To review the bigger picture affecting academic achievement in the county so as to facilitate the achievement of good outcomes;
- (vi) To represent the community of Oxfordshire in the development of academic achievement across the county, including responding to formal consultations and participating in inter-agency discussions;
- (vii) To contribute to the development of educational policy in the county;

## **5. Joint Health Overview and Scrutiny Committee**

The Joint Health Overview and Scrutiny Committee will have a membership of 7 county councillors plus 5 district councillors and 3 co-opted members. The Joint Committee was formed under Section 8 of the Health and Social Care Act 2001 to discharge the County Council's functions under that Act.

Its terms of reference remain the same and the main section of these is attached as Appendix 1 for information.

## Appendix 1

# THE OXFORDSHIRE JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE

## Constitution, Operating Procedures and Protocols

### 1. The Committee

Oxfordshire County Council, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, The Vale of White Horse District Council and West Oxfordshire District Council (“the Constituent Councils”) have under powers in Section 8(2) (a) of the Health and Social Care Act 2001 and associated Regulations, formed a joint committee between the Councils to discharge the functions of Oxfordshire County Council given to it under that Act. Except as set out in paragraph 5, the Committee will operate within the administrative County of Oxfordshire and will be geographically co-terminus with the boundary of the Oxfordshire Primary Care Trust in so far as it serves the County of Oxfordshire:-

The Committee will conduct all of its proceedings in accordance with the relevant Regulations and government guidance and shall operate in accordance with this Constitution and the procedures set out herein. In any case of doubt where any matter is not covered by this Constitution then the Constitution of Oxfordshire County Council shall apply, modified as appropriate.

### 2. Membership

The membership of the Committee and the Councils from which members are appointed (“the Appointing Councils”) is set out in Section 1. Members should normally serve for a period of 4 years unless they resign or are replaced by the Appointing Council.

Councillors will not be eligible to serve on the Committee if:-

- (1) they become a member of an Executive of one of the Appointing Councils or
- (2) they cease to be a member of the authority which appointed them

In the event of either of these occurring, that Councillor’s membership of the Committee will be terminated accordingly.

### 3. Co-opted Members

In addition to Councillors the Joint Health Overview & Scrutiny Committee shall, in order to assist it in its work, include in its membership up to three non-voting co-opted members. Such members might be appointed because



of the personal contribution they would make to the work of the Committee or to represent health related interests as determined by the Committee from time to time.

Co-opted Members shall normally serve for a period of 2 years. Co-opted members may serve for one further consecutive period of 2 years. In the event of a co-opted member resigning before the expiry of her/his period of office a new Co-opted member shall be appointed who shall serve for the remaining period of office. If the member no longer represents the interest(s) for which they were appointed, it shall be open to the Committee to terminate that person's membership.

#### **4. Terms of Reference**

The Committee will discharge the functions conferred by Section 21 of the Local Government Act 2000 (as modified by Section 7 of the Health and Social Care Act 2001 and associated Regulations and Guidance. The Committee may not discharge any functions other than those conferred by that legislation.

The detailed Terms of Reference of the Joint Committee as agreed by the Constituent Councils are set out in Section 2 attached. No member of the Committee may be involved in scrutinising a decision in which s/he has been directly involved.

The Committee will observe the following principles in the discharge of their functions:-

- Overview & Scrutiny will be undertaken on the basis of mutual understanding and trust between the local authorities in Oxfordshire, with the health sector and others;
- Will seek to add value by maximising the involvement of non-executive members of the County and District Councils in the overview and scrutiny of health issues which affect the population of Oxfordshire;
- Avoid duplicating other NHS and local authority inspection processes and the work of the Oxfordshire LINK;
- Will adopt a flexible approach to its ways of working as is consistent with legal requirements, be member led, open and transparent and will lead to evidence based outcomes;
- Will act independently of the constituent authorities and undertake overview and scrutiny activities on a consistent and co-ordinated basis.

#### **5. Delegation of Functions**

Subject to the requirements of the relevant Regulations and government guidance, the Committee may join with any other local authority or Health Overview and Scrutiny Committee of such authority to form a joint committee. Such body will be able to discharge such functions of that authority or

overview and scrutiny committee as may be determined to further the interests of those authorities or committees or is in the interests of the inhabitants of their areas.

The Committee may delegate such of its functions as it wishes to another local authority, subject to such delegation relating to specific issues and the requirements of the relevant Regulations and government guidance.

### **Establishment of Review Panels**

The Committee may appoint such Review Panels of their members as they may determine to undertake and report back to the Committee on specified investigations or reviews as set out in the work programme. Appointments to such Review Panels will be made by the relevant Committee, ensuring political balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

## **6. Meetings of the Scrutiny Committees**

The Committee shall have 6 ordinary meetings scheduled in each year. In addition, other meetings may be called as and when required. A Scrutiny Committee meeting may be called by the Chairman of the Committee following consultation with the Chairman; by one third of the members of the committee; or by the Committee Officer if s/he considers it necessary or appropriate.

The dates for and notices of all meetings of the Committees shall be published as required by Part VA of the Local Government Act 1972. If there is insufficient business a scheduled meeting may be cancelled by the authorised officer where the Chairman and Deputy Chairman of the Committee o consent.

Where a Councillor appointed to the Joint Committee is unable for any reason to attend a meeting s/he shall be able to be substituted at that meeting by another non-executive Councillor from the Appointing Council where that Council has rules which permit such substitution. Where there are rules, such substitution shall be in accordance with those rules. However, in the interests of maintaining continuity and the development of experience and knowledge in the functions of the Committee such substitution should be discouraged. Where substitution does take place it shall be the duty of the member of the Committee to ensure that his/her substitute is adequately briefed on the matters to be considered at the meeting. Substitution will not apply to any Review Panels appointed by the Committee.

## **7. Chairs/Chairwomen/Chairmen and Deputy Chairs/Chairwomen/Chairmen**

The Chairman of the Joint Committee shall be drawn from the County Council members of it and normally elected on an annual basis following the annual meeting of Oxfordshire County Council.

The Deputy Chairman of the Joint Committee shall be drawn from amongst the District/City Councillors on the Committee and elected on an annual basis immediately following the election of the Chairman.

If the Chairman and Deputy are both absent from a meeting of the respective Committee then the Councillor members of that body will elect someone to preside at that meeting from amongst their number.

Review Panels will appoint one of their members as Chairman for the life of the Panel.

## **8. Quorum**

The quorum of a meeting of the Committee will be one quarter of the whole number of voting members, or three voting members, whichever is the greater. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. Voting**

The Committee should strive wherever possible to reach a consensus view on the issues before them without the necessity for a vote. Where however the Chairman of the meeting considers that a vote is necessary in order to determine a majority view, it shall be taken by a show or count of hands of the Councillor members present. Co-opted members do not have a vote. In the event of an equality of votes, the Chairman of the Committee shall have a second or casting vote.

## **10. Work Planning and Programming**

The development, implementation and management of the work programme of the Joint Overview & Scrutiny Committee will be the key to ensuring that health scrutiny is effective, focussed and adds value and that clear objectives are set and regularly evaluated. To achieve this Protocol setting out how work planning and programming will be undertaken by the Joint Committee is set out in Section 3.

In undertaking activities within the work programme the Joint Committee and, subject to approval by it of a scoping template for any investigation or review, any Review Panel may hold enquiries and investigations and appoint advisers and assessors to assist them in this process. They may conduct public surveys, hold public meetings, commission research and do all other things within the law that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. The costs of these activities will be met in accordance with paragraph 21.

The Committee and its Review Panels may go on site visits. However, in the case of premises where National Health Services are provided, no powers are contained in the legislation which would require a NHS body to comply with a request for such a visit. Members shall not therefore, in the conduct of their Scrutiny functions, make arrangements to visit such premises unless they are specifically invited to do so by appropriate NHS officers with the authority to do so. Any request for visits would need to be agreed in advance by the Committee or when approval is given to a scoping template. The scoping template and other tools to assist the Committee and Review Panels are set out in Section 4.

## **11. Agenda and Minutes of Meetings**

The Committee shall publish agenda for its meetings and shall maintain and publish a record (in the form of minutes) of its proceedings in accordance with Part VA of the Local Government Act 1972. The Scrutiny Committee shall consider the following business at its meetings:

- (i) election of a person to preside if the Chairman and Deputy Chairman are not present
- (ii) approval of the minutes of the last meeting and receipt for information of any matters arising on them
- (iii) apologies for absence and any substitution in accordance with the relevant Appointing Authority's arrangements
- (iv) declarations of interest
- (v) any responses of the National Health Service, appointing Councils or any other body to reports of the Scrutiny Committee
- (vi) consideration of any matter referred to the Committee by the Oxfordshire LINK
- (vii) the business otherwise set out on the agenda for the meeting

Any items of urgent business not included on a published agenda will be dealt with in accordance with Section VA of the Local Government Act 1972.

Any member of the Committee shall be entitled to give notice to the authorised Officer of the relevant Constituent Council that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for that Committee.

The Committee shall also respond, as soon as their work programme permits, to requests from the Oxfordshire LINK to review or investigate any particular issues relating to the functions of the Committee. Where they do so, the Scrutiny Committee shall in addition to any other reporting, send their findings and any recommendations made to the LINK as soon as is practicable.

## **12. Reports of the Scrutiny Committee**

Once the Committee has completed its deliberations on any matter, a formal report will be prepared on its behalf and, when agreed, the authorised officer will refer it and any recommendations to the National Health Service bodies and the appointing Councils as appropriate and to any other body specified by the Committee. At the same time, the report and its findings shall also be made public.

Where any investigation or review is conducted by a Review Panel, that Panel will refer its findings to the Scrutiny Committee who shall consider those and if they consider it appropriate prepare a report for submission to the appropriate health body and/or local authority and shall make the report and findings public.

In accordance with Regulation 3 of The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, a report or recommendation produced by the Committee must include:-

- an explanation of the matter reviewed or scrutinised
- summary of the evidence considered
- list of the participants involved in a review or scrutiny activity
- recommendations

The Committee may request a response from the NHS body (ies) to which the report is sent. This shall be given in writing by that body within 28 days.

### **13. Attendance by National Health Service Officers at Meetings of the Committee and Review Panels**

The Committee and Review Panels may require an officer of a local NHS body to attend before the Committee to answer questions to enable it to discharge its functions. To this end, at least 15 working days notice in writing of the date of attendance should normally be given. The notice will state the nature of the item on which s/he is required to attend and whether any papers are required to be produced for the Committee. The officer concerned will be given sufficient notice to allow for preparation of that documentation. That officer is not required to answer any question which would disclose confidential information as defined in Regulation 5 of The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 or if s/he would be entitled to refuse to answer it for the purpose of any court proceedings. However, the Committee and any Review Panel should ask for this information to be anonymised wherever possible.

Where, in exceptional circumstances, the officer is unable to attend on the required date, the authorised Officer shall in consultation shall arrange an alternative date for attendance.

Further Guidance for Officers of the NHS, Councils and others attending the Committee and Review Panels is set out in Section 6.

#### **14. Attendance by Executive Members and Officers of Constituent Councils**

The Committee and Review Panels may require an Executive member or an officer of any of the Constituent Councils to attend before the Committee to answer questions to enable it to discharge its functions. At least 15 days notice in writing of the date of attendance should normally be given. It shall be the duty of those persons to attend if so required. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the authorised Officer shall arrange an alternative date for attendance.

#### **15. Attendance By Others**

The Scrutiny Committee and Review Panels may invite people other than those referred to in paragraphs 14 and 15 above to address it, discuss issues of local concern and/or answer questions. The Chairman of the Committee or Review Panel shall decide the appropriate form of participation as relevant to the issues under consideration and the individual circumstances prevailing.

Guidance for those attending a meeting of the Scrutiny Committee or Review Panels is set out in Section 6.

#### **16. Provision of Information by NHS Bodies and Constituent Councils**

The lead NHS body has a duty under Regulation 5 of The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 to provide the Committee and Review Panels with such information about the planning, provision and operation of health services as they may reasonably require to enable them to discharge their functions. However, this does not include:

- confidential information which relates to and identifies a living individual (unless that individual consents)
- disclosure of information prohibited under any legislation

In such cases, the Committee and Review Panels can require the information to be put in an anonymised form.

The Constituent Councils should equally supply such information as is requested by the Committee and Review Panels to enable them to effectively discharge their functions.

#### **17. Duty of NHS Bodies to Consult on Substantial Developments or Variations in Provision of Service**

Under Regulation 4 of The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 a NHS body must consult the Committee, where it has under consideration any proposal for a substantial development of the Health Service or a substantial variation in the provision of such service. This will not apply where:

- it is a proposal to establish or dissolve an NHS Trust or a PCT (unless that involves a substantial development or variation as above)
- it involves a proposal for a pilot scheme under the NHS (Primary Care) Act 1997
- where a decision has to be taken without allowing time for consultation because of a risk to the safety or welfare of patients or staff

The Committee may comment on the proposals by a date set by the NHS body.

The Committee may report to the Secretary of State in writing where it is not satisfied that:

- consultation has been adequate in relation to content or time allowed
- a decision has been taken without consultation because of urgency and these reasons were adequate

The Secretary of State may require the NHS body to carry out consultation or further consultation with the Committee as s/he considers appropriate. The NHS body must then have regard to the outcome of that and reconsider any decision it has taken.

Where the Committee considers that any proposal would not be in the interests of the health service in Oxfordshire, it may report in writing to the Secretary of State who may make a final decision on the proposal.

The process for dealing with such consultations is set out in the Protocol on Work Planning and Programming in Section 3.

## **18. Public Participation**

The Committee and its review panels will engage with the public in a wide range of ways as set out in this Constitution. In addition, a protocol aimed at providing a mechanism to enable stakeholders and members of the public to suggest issues for review by the Committee is contained in Section 5.

## **19. Public Access to Meetings of the Committee**

All meetings of the Committee shall be open to the press and public and the provisions of Part VA of the Local Government Act 1972 as amended by the Health and Social Care Act 2001 will apply. Where the press and public are to be excluded from any meeting then the Committee must pass an appropriate resolution complying with the requirements of that legislation. The definitions and categories of Exempt and Confidential information set out in Schedule 1 of the Health and Social Care Act 2001 are reproduced in Section 7. Private briefings by officers to the Committee shall not be open to the press or public.

In addition to their rights of attendance, members of the public shall be able to present a petition at meetings of the Committee provided that:

- (a) the petition is relevant to the functions of the Committee and
- (b) notice of the desire to present the petition and information as to its subject matter is given to the authorised Officer of the relevant Constituent Council not later than 9.00 a.m. on the day before the meeting

Any question as to the relevance of any petition shall be determined by the Chairman.

When petitions are presented the presenter shall have the right to address the Committee for no more than 3 minutes in support of the petition.

Members of the public shall also be able to request the opportunity to address meetings the Committee on items on the Agenda for a period not exceeding 5 minutes provided that:-

- (a) Notice of the request and an indication of the issues to be raised are received by the authorised officer not later than 9.00 am. on the day before the meeting
- (b) the Chairman shall determine the request and the time when the address shall be made
- (c) at the discretion of the Chairman, members may seek clarification from the addressor of any issues raised during his/her address

## **20. Officers**

The County Council will provide staff and specialist advice and support to the Committee and any review panels it establishes. The County Council will service and support the Committee. The Constituent Councils will each nominate a senior officer to provide support to the Health Scrutiny function.

## **21. Finance**

The County Council will meet the operational and running costs of the Committee and any review panels it establishes. The Constituent District Councils will meet the operational and running costs of any health scrutiny review it wishes to have considered by the Committee.

## **22. Conduct of Members**

The Codes of Conduct of their relevant Appointing Authorities shall apply to all Councillor Members of the Committee. The Oxfordshire County Council Code of Conduct shall apply to the Co-opted members of the Committee.

Each of the Appointing Authorities shall be responsible for indemnifying the Councillors appointed by them to the Committee against any claims against them as a result of lawfully discharging the functions of the Committee.



### 23. Annual Report

The Committee shall produce in April each year a report for the Appointing Authorities on its activities during the preceding year. That report shall also be published to health bodies and the public.

### 24. Review of Activities

The Committee shall periodically review their activities and evaluate the outcomes of their work plan and programme. They shall also keep under review the effectiveness of their operational protocols.

### 25. Termination of Arrangements

The joint arrangements may be terminated by agreement between the Constituent Councils.

## SECTION 1

### Membership of the Joint Health Overview and Scrutiny Committee

The following table sets out the allocation of Members to be appointed by the Constituent and other Councils:

Committee	Appointing Council and Number of Places
Oxfordshire Joint Health Overview & Scrutiny Committee	Oxfordshire CC (7)
	District Councils (1 place each) (5)
	Co-opted members (3)
	<u>(15)</u>
	_____

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

<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b>New committee</b>
<p>purposes specified in Paragraphs 39, 40, 43 and 44 in Section 1 of Schedule 1 to the Functions Regulations.</p>	<p>of "proper officers"). (Section 270 of the Local Government Act 1972) 43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc. (Section 4(1) of the Local Government and Housing Act 1989 (c. 42).) 44. Duty to designate officer as the monitoring officer, and to provide staff, etc (Section 5(1) of the Local Government and Housing Act 1989.)</p>	<p><i>staff and key posts.</i></p>
<p>(4) The functions in relation to the appointment etc of staff specified in Paragraph 37 in Section 1 of Schedule 1 to the Functions Regulations.</p>	<p>37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). (Section 112 of the Local Government Act 1972.)</p>	<p>Remuneration Committee</p> <p><i>Rationale: fits with the existing role of determining exactly these things for <u>senior</u> staff</i></p>
<p>(5) The determination of appeals against decisions made by or on behalf of the authority as specified in Paragraph 2 of Schedule 2 to the Functions Regulations.</p>	<p>The determination of an appeal against any decision made by or on behalf of the authority.</p>	<p>Appeals &amp; Tribunals Sub-Committee</p> <p>To be a sub-committee of A&amp;G Committee <i>Rationale: fits with the checks-and-balances role of Audit &amp; Governance. To be chaired by a member of the A&amp;G Committee but to be comprised by other members of the Council (effectively those specifically interested in appeals work)</i></p>
<p>(6) In the case of</p>	<p>19. The appointment of any</p>	<p>Remuneration</p>

<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b><i>New committee</i></b>
<p>any office or body which has not been identified by the Cabinet and endorsed by the Council as strategic, the functions relating to appointment of individuals to offices or bodies as specified in Paragraph 19 of Schedule 2 to the Functions Regulations.</p>	<p>individual -            (a) to any office other than an office in which he is employed by the authority;            (b) to any body other than -                (i) the authority;                (ii) a joint committee of two or more authorities; or            (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>	<p>Committee</p> <p><i>Rationale: fits generally with the committee's existing powers of making appointments.</i></p>
<p>(7) In the case of matters for which the Cabinet is not responsible, the making of agreements with other local authorities for the placing of staff at the disposal of those other authorities as specified in Paragraph 20 of Schedule 2 to the Functions</p>	<p>20. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>Remuneration Committee</p> <p><i>Rationale: fits generally with the committee's existing powers of making appointments</i></p>

<b>Democracy &amp; Organisation TOR</b>	<b>What this means under the Function Regulations</b>	<b><i>New committee</i></b>
Regulations.		
(8) The functions relating to Local Government Pensions for which the Pension Fund Committee is not responsible.	<p>Functions in relation to pensions (including the determination as employing authority of the benefits for individual applications for early retirement) – other than the following (which are the responsibility of the Pension Fund Committee):</p> <ul style="list-style-type: none"> <li>• Functions relating to local government pensions, etc arising from Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)[52].</li> <li>• Division of Oxfordshire Pension Fund under Section 21 of the Oxfordshire Act</li> <li>• Functions in relation to the Firemen’s Pension Scheme including: <ul style="list-style-type: none"> <li>○ <i>Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.</i></li> </ul> </li> </ul>	<p>Remuneration Committee Via Pension Benefits Sub-Committee</p> <p><i>Rationale: sits with the broad remit of remuneration for officers</i></p> <p>Pension Benefits Sub-Committee currently comprises chairman, deputy, and spokesperson of DOC, but could as easily comprise:</p> <ul style="list-style-type: none"> <li>• A member of Remuneration Committee (or substitute)</li> <li>• Two other members of council</li> </ul>
(9) The making, amending and revoking of byelaws in accordance with Part XI of the Local Government Act 1972, as amended by the Local Government and Public	This was delegated from Council to Democracy & Organisation Committee during 2011/12	<p>Council</p> <p><i>Rationale: this came from Council to DOC in 2011/12 and could easily revert back to Council given the civic nature of this issue and the lack of frequency of it.</i></p>

Democracy & Organisation TOR	What this means under the Function Regulations	<i>New committee</i>
Involvement in Health Act 2007.		
(10) Formal sub-committees of DOC	<p><u>Appeals Sub</u> To hear and determine appeals in cases where the relevant procedure rules require this function to be performed by a formally constituted committee or sub-committee.</p> <p><u>Tribunal appeals</u> To hear and determine appeals in other cases under the relevant procedure rules</p> <p><u>Fire service discipline sub-committee</u> To act as the disciplinary tribunal hearing and determining cases against principal officers in the first instance in accordance with the provisions of the Fire Service (Discipline) Regulations 1985.</p>	<p>Re-name as: Appeals &amp; Tribunals Sub-Committee and to be a formal sub-committee of Audit &amp; Governance Committee</p> <p><i>Rationale: fits with the checks-and-balances role of A&amp;G.</i></p> <p><i>Merge the currently separate ‘appeals sub’, ‘tribunals panel’ and ‘Fire Service Discipline Sub’ of DOC to remove layers of bureaucracy and to build expertise and skills in appeals/tribunal hearings – which require same training and approach.</i></p> <p><i>But future membership could simply be:</i></p> <ul style="list-style-type: none"> <li>• A member of DOC</li> <li>• Two other members of council (one being a cabinet member in the case of Fire Service Discipline issues)</li> </ul> <p><b>NB</b> Fire Service Discipline matters are still being finalised.</p>