

# Minutes of a meeting of the OXFORDSHIRE GROWTH BOARD SCRUTINY PANEL on Tuesday 18 September 2018

## Voting members of the Scrutiny Panel present:

Councillor Timothy Hallchurch ( <i>substitute for Councillor Sean Gaul</i> )	Cherwell District Council
Councillor Andrew Gant	Oxford City Council
Councillor David Henwood	
Councillor Craig Simmons	
Councillor John Sanders	Oxfordshire County Council
Councillor Emily Smith	
Councillor Elaine Hornsby	South Oxfordshire District Council
Councillor Sue Cooper ( <i>substitute for Councillor David Turner</i> )	
Councillor Ian White	
Councillor Debby Hallett	Vale of White Horse District Council
Councillor Ben Mabbett	
Councillor Chris Palmer	
Councillor Derek Cotterill	West Oxfordshire District Council
Councillor Julian Cooper	

## Officers contributing to and supporting the Panel:

Caroline Green	Interim Deal Director
Paul Staines	Oxfordshire Growth Board Partnership Programme Manager
Sue Halliwell	Director for Planning and Place, Oxfordshire County Council
Stefan Robinson	Scrutiny Officer, Oxford City Council (supporting the Panel)
Jennifer Thompson	Committee and Members Services Officer, Oxford City Council (supporting the Panel)

### 1. Election of Chairman for the Scrutiny Panel

Councillor Hallett proposed and Councillor Smith seconded the election of Councillor Gant as Chair of the Panel. There being no other nominations, the proposal was agreed on being put to the vote.

**Councillor Andrew Gant was elected as Chair of the Growth Board Scrutiny Panel until the end of the Growth Board's 2018/19 year.**

### 2. Election of Vice Chairman for the Scrutiny Panel

Councillor Henwood proposed and Councillor Simmons seconded the election of Councillor Henwood as Vice-Chair of the Panel. There being no other nominations, the proposal was agreed on being put to the vote.

**Councillor David Henwood was elected as Vice-Chair of the Growth Board Scrutiny Panel until the end of the Growth Board's 2018/19 year.**

### **3. Apologies for absence**

Apologies were received from Councillors Carter, Gaul, Harvey, Prestidge, Turner and Woodcock.

Councillor Cooper (SODC) attended as Councillor Turner's substitute.  
Councillor Hallchurch (Cherwell) attended as Councillor Gaul's substitute.

### **4. Declarations of interest**

There were no declarations.

### **5. Terms of reference for the Scrutiny Panel**

The Panel considered their draft terms of reference and discussed and noted the points below.

The intention that the Panel scrutinise emerging policy and forthcoming decisions in advance of the Growth Board, as set out on paragraph 8.1, should be reflected in the wording of paragraph 1.1.

There was no call-in power as the decision making process needed to be rapid enough to meet key milestones in the Deal and a call-in to the Panel introduced significant delay. This did not prevent the Panel working in advance of the Growth Board, and the Panel should take a pro-active approach and have an early input into forthcoming decisions. Individual local authorities still retained call-in powers over their Executive members' decisions.

The Panel was not a Committee under the LGA 2000 as the make-up of it does not comply with the rules for forming a statutory committee; therefore it sets its own rules mirroring as far as practicable the legislation. This includes for avoidance of confusion the same rules about access to information and exclusion of the public as apply to formal committees.

Panel meetings should be scheduled between the publication of the Growth Board's agenda and its meeting. Officers were encouraged to publish papers in a timely fashion and reduce reliance on verbal updates, late papers or presentations.

Paragraph 4.3 should be revised to: *Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.*

Introducing a time limit and changing the quorum rules were discussed. The Panel agreed to make no changes at this time, but keep under review. The quorum rules mean that those unable to attend must try to send a substitute.

**The Panel agreed** to adopt the proposed terms of reference for the Scrutiny Panel **with the following changes:**

1.1 The purpose of the Oxfordshire Growth Board Scrutiny Panel is to review and scrutinise **plans, proposals and decisions to be taken** and actions taken in connection with the discharge of the Growth Board's functions and the delivery of the agreed Oxfordshire Housing and Growth Deal. The Scrutiny Panel will perform a 'check and balance' and 'critical friend' function to the Growth Board through the review of key policies, decisions and strategic objectives.

4.3 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair. *(remainder deleted)* .

## **6. Notes from the Oxfordshire Growth Board Advisory Sub-Groups - discussion**

The Panel heard verbal reports about the first meetings of the Sub-Groups from Caroline Green (Interim Deal Director), Paul Staines (Growth Board Partnership Programme Manager) and Sue Halliwell (Director for Planning & Place).

Caroline Green explained that the Growth Board host authority would be responsible for providing support for the Panel's scrutiny work, so South Oxfordshire DC was recruiting a part-time Scrutiny Officer. The Deal team planned to recruit a committee secretary for the Growth Board and all associated meetings.

The inaugural meetings of the Sub-Groups received briefings about the Deal and their work and discussed their work plans.

### **Joint Statutory Spatial Plan (JSSP)**

The Sub-Group agreed its terms of reference and an initial meeting schedule and considered initial JSSP documents to be approved by the five planning authorities.

### **Housing and Affordable Housing**

The Sub-Group agreed its terms of reference and an initial meeting schedule and discussed a briefing on the Year 1 and Year 2-5 affordable housing and infrastructure programmes and affordable housing delivery. They noted that the individual programmes for affordable housing were developed and approved by each district council. There was a wish to consider how to encourage innovative models for affordable and market housing.

### **Infrastructure**

The Sub-Group would meet after the Panel and would consider the Quarter 1 report for the Deal infrastructure programme along with projects such as rail improvements, the expressway and the Local Transport Plan.

The Panel noted they would receive the Sub-Group notes to allow them to align their work plans with those of the groups, add visibility to the groups' work, and allow discussion with the groups as required to conduct effective scrutiny and input into decisions going to the Growth Board.

The Chair reassured the Panel that he intended to attend the Growth Board meetings to report the Panel's recommendations and any areas of challenge to the Board's proposed decisions.

**The Panel agreed** that in future they would consider the notes from the Sub-Groups as part of their consideration of the Growth Board agenda and not as a separate item.

## **7. Oxfordshire Growth Board 25 September - discussion**

The Panel considered the agenda and reports published in advance of the Growth Board meeting on 25 September.

The Panel noted:

- Work on the Deal was moving into a delivery phase.
- There was a developing discussion around linking housing growth, transport networks, and creating environmental and social value.
- The proposed expressway was not part of the Deal or the strategic plans developed within the county, but had a direct and significant impact on these plans. In particular it impacted on the JSSP and the Local Industrial Strategy. Comments were made about the need to improve publicity and transparency in relation to the Expressway and the need and whether the synergies with rail have been explored thoroughly enough.
- The Growth Board's role was to take proper account of this and provide a collective view to influence as far as reasonable these decisions made at national level.

**The Panel commented:**

- The Growth Board website should be kept up to date, recognising the competing pressures on officers' time, as this was a key source of information.
- A single point allowing access to all the Deal documents, associated strategies, the JSSP, and supporting information would be useful.

## **8. Work programme for the Scrutiny Panel**

The Panel considered items and lines of enquiry for its work programme.

Stefan Robinson, Oxford City Council Scrutiny Officer, outlined principles for agreeing a manageable and effective work plan.

Panel members suggested scrutinising:

- How to strengthen the social and environmental value of growth.
- The quarterly reports to Government on progress against key milestones including evidence gathering; progress against targets; and reasons behind good and poor progress.

- Affordable housing models and faster delivery of higher numbers of affordable houses.
- The effectiveness of the proposed housing prospectus and event in engaging developers and registered social landlords in the Year 2 –Year 5 programme.
- The Local Industrial Strategy.
- **The effectiveness of public participation: how the Growth Board is engaging the public in its work and promoting transparency and public awareness<sup>1</sup>.**

**The Panel agreed:**

- Panel members should send further suggested topics to Scrutiny Officer at [DemocraticServices@oxford.gov.uk](mailto:DemocraticServices@oxford.gov.uk)
- The Oxford City Council Scrutiny Officer and Deal programme officers would prepare and prioritise a list of items including those above to present to the Panel at the next meeting to allow the development of a work programme.

**9. Dates of meetings**

**The Panel agreed:**

- to meet on 22 November at 6.30pm in Oxford (location to be agreed);
- to meet 3 working days before the Growth Board meeting (meet on the Thursday preceding a Growth Board on a Tuesday) generally at 6.30pm;
- arrange such other meetings as may be required by their remit and work plan.

**The meeting started at 6.30 pm and ended at 8.00 pm**

**Chair .....**

**Date: Thursday 22 November 2018**

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<sup>1</sup> Added 6/11/18 to correct omission from minutes

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## **Oxfordshire Growth Board Scrutiny Panel Terms of Reference and Joint Protocol**

### **1. Purpose and Objectives**

- 1.1 The purpose of the Oxfordshire Growth Board Scrutiny Panel is to review and scrutinise plans, proposals and decisions to be taken and actions taken in connection with the discharge of the Growth Board's functions and the delivery of the agreed Oxfordshire Housing and Growth Deal. The Scrutiny Panel will perform a 'check and balance' and 'critical friend' function to the Growth Board through the review of key policies, decisions and strategic objectives.
- 1.2 The Scrutiny Panel does not have the right to call in any executive decisions made by any partner authorities. All partner authorities will retain the right to formally call in decisions made by their own executives to their own Scrutiny Committees.

### **2. Scrutiny Panel Powers**

- 2.1 The Scrutiny Panel has no decision making powers, but it shall:
  - (a) Prioritise key issues for review, and make reports and recommendations to the Growth Board where necessary. The Growth Board will be required to respond to any reports and recommendations.
  - (b) Require the Growth Board and partner bodies to provide information that it reasonably requires in the discharge of its functions.
  - (c) Require the attendance of Growth Board members and their senior supporting officers to answer questions about the work and decisions of the Growth Board.
  - (d) Establish sub-groups as required to assist in the performance of its functions.
  - (e) Monitor the Growth Board's Forward Plan of decisions and Housing and Growth Deal Milestones.

### **3. Membership and appointments**

- 3.1 The Scrutiny Panel will comprise 18 councillors, three appointed annually by each constituent Council of the Growth Board. Executive members of the constituent councils shall not be members of the Scrutiny Panel.
- 3.2 Each constituent Council will appoint its members having regard to its own political balance.
- 3.3 The Chair and Vice-Chair of the Scrutiny Panel shall be appointed by the Scrutiny Panel at its first meeting in each council year.

- 3.4 Co-opted non-voting members may be appointed for specific items or a period of up to a year by the Scrutiny Panel as it deems necessary.

#### **4. Meeting Arrangements**

- 4.1 The Scrutiny Panel will agree its own schedule of meetings, having regard to the timeliness of such meetings in relation to Growth Board meetings.
- 4.2 The normal rules as to declarations of interest will be applied to members in accordance with their respective Council's Code of Conduct.
- 4.3 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.
- 4.4 The Chair will report to the Growth Board in circumstances where the Panel has produced a report and recommendations.
- 4.5 The Chair will have discretion to manage meetings as they see appropriate, having regard to any advice given, these terms of reference and relevant legislation.
- 4.6 Each meeting will be recorded through the production of minutes which will be made available to the public online after the meeting with the exception of any exempt or confidential information.
- 4.7 The secretariat to the Scrutiny Panel will be provided by the partner authorities as agreed by the Chief Executives of the partner authorities.
- 4.8 The Scrutiny Panel is not a decision making body, and the Chair should aim to facilitate consensual agreement on matters under consideration. Where a consensus cannot be reached, the Chair shall present the split views of the Panel to the Growth Board. Formal votes should only be used in exceptional circumstances. Notwithstanding this, voting arrangements will be one vote per member, and in the case of an equality of votes, the Chair will have a casting vote.

#### **5. Quorum**

- 5.1 The quorum will be a minimum of six of the members of the Scrutiny Panel, but must consist of at least one member or substitute from each partner authority.

#### **6. Substitutes**

- 6.1 Any member may send a substitute from their own authority if they are unable to attend, but this may not be a member of the authority's executive and should ideally be a member of the authority's scrutiny committee or panel

#### **7. Access to information**

- 7.1 The Scrutiny Panel will hold its meetings in public, except in circumstances where the matter under consideration contains exempt or confidential information, as set out in the Local Government Act 1972 (as amended).
- 7.2 It is expected that the Scrutiny Panel will have the right to see the same information as that of the Growth Board when considering an issue, in order that an informed view can be reached.
- 7.3 Meeting agendas and associated reports will be circulated to the members of the Scrutiny Panel, and the designated officers of the respective partner authorities, at least three clear working days before the meeting. Non-adherence to this in exceptional circumstances will not invalidate a meeting. Growth Board papers will be circulated to the panel when published for the Growth Board.

## **8. Reviews of Growth Board decisions**

- 8.1 The Scrutiny Panel may exercise the right to review any matter that is going to the Growth Board for decision and make recommendations in advance of that decision that the Growth Board must then consider.
- 8.2 The Scrutiny Panel will identify areas of Growth Board work it wishes to review and timetable these into its annual work plan, taking into account the Growth Board forward plan. Officers will ensure the Scrutiny Panel receives information required to inform these reviews in time for recommendations to be made to the Growth Board.
- 8.3 The Growth Board will allow time in its decision making processes for the Scrutiny Panel to review information regarding key decisions and make recommendations in advance of those decisions being made. This includes any submissions to Homes England in relation to milestones in the Deal.
- 8.4 The Growth Board will include reports and recommendations from Scrutiny Panel as a standing item on its meeting agenda. The Growth Board will be required to respond to the Scrutiny Panel recommendations to be recorded either at the meetings of the Growth Board or within 10 days of the meeting.

## **9. Public Participation**

- 9.1 Members of the public may address meetings of the Scrutiny Panel, where notice is given to the secretariat no later than 4.00pm on the last working day before the day of the meeting.
- 9.2 The Chair will have discretion to manage the public participation procedure as they see appropriate, including rejecting frivolous, defamatory or offensive questions and managing the time afforded to public addresses.

## **10. Work Plan**

- 10.1 The Scrutiny Panel will establish an annual forward Work Plan of matters to consider, which will be reviewed at each meeting.
- 10.2 The Work Plan should reflect a balance of issues from the Growth Board's Forward Plan of decisions, and other matters that are relevant to the delivery of the agreed Oxfordshire Housing and Growth Deal and work of the Growth Board.

## **11. General principles**

- 11.1 The Scrutiny Panel will operate independently from the Growth Board, but must have regard to any matters that the Growth Board refers to it for consideration.
- 11.2 The administration and functions of the Scrutiny Panel will be held to the same standards expected by the relevant legislation in relation to local authority overview and scrutiny committees.