

To: City Executive Board – 10th April 2013
Council – 22 April 2013

Report of: Head of Law and Governance

Title of Report: GOVERNANCE REVIEW

Summary and Recommendations

Purpose of report: This report presents the outcome of the review of the Council's governance arrangements, and makes recommendations for changes.

Key decision; No

Executive lead member: Councillor Price

Policy Framework: Not applicable

Background papers: None

Recommendation(s):

A. The City Executive Board is RECOMMENDED:-

1. That the single executive member arrangements for decision-making be discontinued and that the responsibilities of single members be reallocated as set out in Annex 1 to this report and that the Constitution be amended accordingly.
2. That the Board agenda should contain an additional item relating to addresses by councillors to the Board and that the Constitution be altered as set out in Annex 3 to this report.
3. That the programme of City Executive Board meetings be as set out in Annex 2A and 2B to this report.

B. Council is RECOMMENDED:-

1. That the programme of Council and committee meetings for 2013/14 and 2014/15 be approved as set out in Annex 2A and 2B to this report, noting:-
 - (a) that the 2013/14 programme replaces that agreed by Council on 20th February 2012;

(b) that 10 City Executive Board and 10 Scrutiny Committee meetings have been programmed for 2013/14 with no such meetings programmed for May 2014 (the month when City Council elections occur), and that 11 City Executive Board and 11 Scrutiny Committee meetings have been programmed for 2014/15 with meetings programmed for May 2015 (the month when a General Election could occur).

2. That the areas of work for the Council's two Scrutiny Committees (as set out in paragraph 8.1 of the Constitution) be added to so that either scrutiny committee may scrutinise, in advance of its consideration by the City Executive Board, any report that is being submitted to the Board regardless of its subject matter, noting that both scrutiny committees already have the authority to deal with any call in matter or councillor call for action regardless of its subject matter.*

3. So far as Council procedures are concerned, to approve the changes in procedure set out in Annex 6A to this report and contained in the updated Section 11 of the Constitution that forms Annex 6B to this report.*

C. The City Executive Board and Council are RECOMMENDED:-

1. To note that monthly Board member briefings on current issues, open to all members, will be arranged and conducted by officers, and that dates for these briefings are contained in the programme of Council and committee meetings that forms Annex 2A.

2. To note that officers will present an updated Member/Officer Protocol to Council in June and in the meantime to note that officers would refresh staff awareness of its provisions in particular as far as Ward references are concerned.

3. To note that the City Executive Board has agreed the recommendations in Annex 5 to this report that relate to public engagement and that officers are working on their implementation.

4. To agree that a Governance Working Party should meet each year, in November, to review operational practice and decide what changes, if any, to recommend.

D. To authorise the Head of Law and Governance to make all changes to the Constitution to give effect to the recommendations in this report.

**Recommendations 2 and 3 need to be read in the context of Annex 7 to this report which modifies/changes them.*

APPENDICES TO REPORT

- Appendix 1 – Reallocation of responsibilities for decisions reached by single members.
- Appendix 2A – Programme of Council and committee meetings 2013/14 and 2014/15
- Appendix 2B – Scrutiny, City Executive Board and Council Meetings – 2013/14 and 2014/15
- Appendix 3 – Enhancing Member Engagement – Speaking at City Executive Board meetings
- Appendix 4 – Member/Officer Protocol as it appears in the Constitution
- Appendix 5 – Public Engagement – Decisions reached on the Scrutiny Review of Area Forums
- Appendix 6A – Council Meetings – Proposed Changes in Procedures
- Appendix 6B – Council Meetings – Update to Section 11 of the Constitution (Procedure at Council Meetings)
- Annex 7 – Majority Group views on the recommendations in the report

Introduction

1. The Council's current governance (decision making) arrangements are the (strong) leader and cabinet executive model. These arrangements are one of a number of prescribed models contained in the Local Government Act 2000 (as amended) and associated regulations. The Council's governance arrangements came into operation in October 2001. The strong leader element came into operation in May 2012 by virtue of the requirements in the Local Government and Public Involvement in Health Act 2007.
2. The Localism Act 2011 amends the 2000 Act and enables local authorities to discharge their functions either by executive arrangements (as the City Council does at present) or by committee arrangements or by any other arrangements that the Secretary of State may prescribe. A cross party working group (Councillors, Price, Tanner, Fooks, Rundle, Williams and Simmons) has reviewed the Council's present governance arrangements to see how they might be improved.

A New Governance System

3. There is no right or wrong governance structure. The 'right' structure for Oxford is that which delivers our values and policies and reflects our culture and community aspirations. The working party looked at three models of committee governance to see whether a new governance system might better deliver our values. There was no consensus over changing to a committee system so the working party concentrated upon how to improve present governance arrangements.

The Present Governance System

4. The working party looked at five issues concerning the present governance system that it felt needed to be addressed. These are:-
 - (a) That the governance system should be efficient and effective.
 - (b) That there should be clear accountability for decision-making along with a good understanding of how the Council is run.
 - (c) That there should be better engagement of backbench councillors allowing them to make a contribution to decision making.
 - (d) That there should be engagement and influence by the public with proper consideration of localised decision making with clear processes for local influence.
 - (e) That there should be better clarity about the purpose of Council meetings and that the content, management and control of Council should be improved.

Improvements to the Existing Executive Arrangements

(a) Single Member Decisions

5. The working party felt that the concerns over single member decision making, and the perception that this concentrated power and undermined access to decision making was best addressed by discontinuing the single member decision making arrangements. As to the executive responsibilities of single members, the working party for its part suggested that some of those responsibilities should be delegated to officers and some should become the responsibility of the City Executive Board. Annex 1 to this report sets out the recommended re-allocation of single member responsibilities.

(b) City Executive Board

6. The working party decided that there should be an increased number of programmed City Executive Board meetings, evenly spaced throughout the year, and that there should be a related scrutiny meeting for each CEB meeting. The Working Party considered that this would make for greater member and officer certainty over meeting dates and decision process. Annex 2A to this report contains the proposed programme of council and committee meetings for 2013/14 and 2014/15. Eleven CEB meetings are programmed in each year, with the Board not meeting in August. Annex 2B extracts from the programme the dates for Scrutiny, the Board and Council. As far as quarterly performance reporting is concerned, the timetable provides

reasonably for timely reporting given the lead-in time in terms of report preparation and clearances, as follows for 2013/14:-

- Quarter 1 – April – June – CEB 11 September (no meetings in August)
- Quarter 2 – July – September – CEB 13 November
- Quarter 3 – October – December – CEB 12 February
- Quarter 4 – January 2014 – March – CEB 11 June (no meetings in May because of City Council elections)

(c) Scrutiny

7. The working party considered whether to reduce scrutiny committees from two committees to one (with the one committee commissioning review and standing panels and co-ordinating the scrutiny work programme) or whether to maintain the status quo both so far as the number of committees and the balance of work is concerned. A consensus could not be reached over change and so the status quo will prevail.¹ Officers wish to emphasise that if the balance changes so that there is more pre-scrutiny work with no diminution of review work, that could challenge present resources.
8. The programme of council and committee meetings at Annex 2A shows each scrutiny committee meeting every other month. Each committee relates to one of the monthly CEB meetings. It is important that scrutiny recommendations on any reports pre-scrutinised are made to the Board without delay. In order to achieve this the responsibilities of the two scrutiny committees are recommended to include the ability to pre-scrutinise any report regardless of whether the subject matter falls within the committee's subject brief.

Enhancing Member Engagement

9. The working party, for its part, agreed a number of enhancements which it believes would improve member engagement. They are described below:-
 - (a) The City Executive Board's agenda should contain an item for members of opposition groups (shadow spokespersons) to address the Board for up to three minutes on items on the Board agenda. This represents a formalisation of what happens informally at present. The wording is set out in Annex 3.
 - (b) Monthly Board member briefings on current issues, policies and strategies, open to all members should be arranged and conducted by officers. This happens in an ad hoc way at present. What officers will

¹ This report which reflects and builds upon the views expressed by the cross-party meetings referred to in paragraph 2 has been seen by the majority group. The group would like Council to be recommended to appoint one scrutiny committee only – see paragraph 2 of Annex 7.

now do is to put together a programme of Board member briefings. Annex 2A (the programme of council and committee meetings) contains dates for these briefings.

- (c) Review the Member/Officer Protocol, in particular as far as press releases and Ward activities are concerned. The working party felt that Ward members should be better briefed on matters affecting their Wards. For information, Annex 4 contains the current Member/Officer Protocol that appears in the constitution. Officers will review and recast the Protocol, and report upon it.

Public Engagement

- 10. The recommendations of the scrutiny review of area forums that were agreed by the City Executive Board on 5th December 2012 are contained in Annex 5 to this report. When implemented, these decisions should bring about improvements to councillors' community leadership roles and through this the access and influence communities can have. It is inevitable that even with these or any other improvements, if decisions or solutions do not fit with the desires of communities they will be disappointed and are likely to feel aggrieved.

Council Meetings

- 11. The working party held a separate meeting on Council meetings. It is fair to say that there were different views on the purpose of Council meetings and the balance that needed to be struck between dealing with defined business on the agenda, debating matters affecting the City and hearing the concerns of members of the public. The Working Party has suggested a way (better to) strike this balance by re-ordering the business of Council into a Business part, a Public Involvement part and a Proclamation part (ie where the Council makes its views known through Motions on behalf of the Oxford public). There was also general agreement on the need to improve the transaction of business at Council meetings. Annex 6A and 6B to this report sets out what the working party for its part suggested should be done to improve things. Annex 6A details the changes and Annex 6B contains the Constitution changes to the Council Procedure Rules that result from the changes.²

² This report which reflects and builds upon the views expressed by the cross-party meetings referred to in paragraph 2 has been seen by the majority group. The group supports most of the recommendations for improvements in the transaction of business at Council meetings but would like some changes to be made to the proposals in Annex 6A. These changes are set out in paragraph 3 of Annex 7.

Name and contact details of author:-

Name: William Reed

Job title: Democratic Services Manager

Service Area / Department: Law and Governance

Telephone: 01865 252230

e-mail: wreed@oxford.gov.uk

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