

**To: 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. The outcome of the review has been considered by both the City Executive Board and the Value and Performance Scrutiny Committee. The recommendations in this report are supported by the City Executive Board and have been informed by the comments made by the Value and Performance Scrutiny Committee.

**Key decision;** No

**Executive lead member:** Councillor Price

**Policy Framework:** An effective and efficient Council

**Background papers:** None

**Recommendation(s):**

Council is RECOMMENDED:-

A. As from the start of the Council Year 2013/14, that:-

1. The single executive member arrangements for decision-making be discontinued and to note that the responsibilities of single members have been re-allocated by the City Executive Board as set out in Annex 1 to this report and the Constitution be amended accordingly.
2. City Executive Board agenda should contain an additional item relating to addresses by councillors to the Board and the Constitution be altered as set out in Annex 3 to this report.
3. One Scrutiny Committee (and not two scrutiny committees) is appointed as follows:-
  - (a) To be responsible for co-ordinating the scrutiny work programme and for commissioning a range of review and standing panels;

(b) To consist of 12 members appointed in accordance with political balance requirements.

4. The changes in Council procedures 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 be introduced.

B. 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:-

(i) that the 2013/14 programme replaces that agreed by Council on 20<sup>th</sup> February 2012;

(ii) that the programme for May and June 2014 may need to be adjusted depending upon the date set for the European Elections (22 May or 5 June) and any adjustment to the date of the local government elections (1<sup>st</sup> May at present);

(iii) 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 are at present programmed), 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).

C. 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.

D. To note that officers will present an updated Member/Officer Protocol to Council in June and in the meantime to note that officers will refresh staff awareness of its provisions in particular as far as Ward references are concerned (the present version of the Protocol forms Annex 4).

E. To note that the City Executive Board on 5<sup>th</sup> December 2012 agreed the recommendations in Annex 5 to this report that relate to public engagement and that officers are working on their implementation.

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

G. To authorise the Head of Law and Governance to make all changes to the Constitution to give effect to the agreed recommendations arising from this report.

## **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)

### **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. The outcome of the review has been considered by both the City Executive Board and the Value and Performance Scrutiny Committee. The recommendations in this report are supported by the City Executive Board and have been informed by the comments made by the Value and Performance Scrutiny Committee.

### **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. However, 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 agreed re-allocation of single member responsibilities. These changes have been made by the City Executive Board as the responsibilities set out in Annex 1 are all executive and not Council 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 the decision-making process. Annex 2A to this report contains the proposed programme of council and committee meetings

for 2013/14 and 2014/15.<sup>1</sup> 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 at the working party over change. However, the City Executive Board is recommending that one scrutiny committee be appointed as from the Council Year 2013/14 that will be responsible for co-ordinating the scrutiny work programme and for commissioning a range of review and standing panels. This is in line with the conclusions of the scrutiny review into the way scrutiny operates that preceded the governance review.
8. The programme of council and committee meetings at Annex 2A shows the scrutiny committee meeting every month. Each committee relates to one of the monthly CEB meetings.

### **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 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.

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<sup>1</sup> Council will be aware that the Government is currently consulting on changes to election dates for local government and European elections in May/June 2014. There may need to be adjustments to the Council and Committee timetable depending upon the outcome of the consultation. We will know in June whether a change is likely because it is by then that an order in Parliament would need to be laid to effect a change.

- (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 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 5<sup>th</sup> 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**

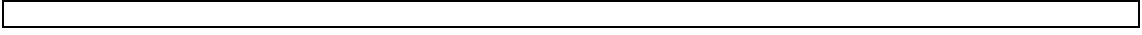
- 11. The working party held a separate meeting on Council meetings. It is fair to say that there were different views on the purpose of Council meetings and the balance that needed to be struck between dealing with defined business on the agenda, debating matters affecting the City and hearing the concerns 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 Scrutiny and Public Involvement part and a Motions part. 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 and subsequent meetings with Group leaders suggest 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. Annex 6A is supported by the City Executive Board and has been informed by comments made and views expressed by the Value and Performance Scrutiny Committee.

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