

Agency, Partnership and Joint Arrangements

1. Arrangements to Promote Well Being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

2. Agency Arrangements

- (a) The Council may make arrangements with any other local authority whereby that other authority will exercise non-executive functions of the Council.
- (b) The Cabinet may make arrangements with any other local authority (or the executive of that authority if it is operating executive arrangements) whereby that other authority (or executive) will exercise executive functions of the Council.
- (c) No arrangements made under (a) or (b) above prevent the Council or, as the case may be, the Cabinet from exercising the functions which are the subject of the arrangements.
- (d) The arrangements currently existing are listed in Schedule 1.

3. Partnerships

- (a) The Council participates in a range of partnerships. In some cases, such as the Health and Wellbeing Board and the Safeguarding Children Board, these are a statutory requirement. Others are voluntary partnerships and all help to co-ordinate and join up organisational effort across the public sector and with other local bodies.
- (b) The Oxfordshire Partnership is the over-arching strategic partnership for the county. It brings together organisations from the public, private, voluntary and community sectors to focus their efforts on the issues of importance to those who live, work and visit Oxfordshire; and to discuss how we can work together to address the challenges we face. Its aims are set out in ***Oxfordshire 2030***.
- (c) The Oxfordshire Partnership meets on a bi-annual basis.

- (d) The Council participates in various Oxfordshire-wide partnerships which are critical in progressing key county-wide priorities across the themes of economic growth, health and wellbeing, thriving communities and support to the most vulnerable. Each of these Partnerships (included in Schedule 3 to this Article) are required to report annually to Full Council. This report requires Partnerships to tell the Council:
- Their current focus
 - Key achievements in the last year
 - Aims for the year ahead
 - Key challenges
 - Outline of governance arrangements
- (e) The Partnership Report also includes information from a range of partnerships which do not have a formal requirement to report back to the Council, but on which the Council is represented. This includes in particular the Local Enterprise Partnership.

4. Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with those other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with those other local authorities.
- (c) Except as set out below, only Cabinet Members may be appointed to a joint committee which is responsible for discharging executive functions, and those members need not reflect the political composition of the local authority as a whole.¹
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
- (i) Where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population, the Cabinet may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.
 - (ii) Where the joint committee is between the Council and a single district council and relates to functions of the Cabinet of the County Council. In such cases, the Cabinet of the County Council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.

¹ Section 20 of the Local Government Act 2000

In both of these cases the political balance requirements do not apply to the appointments.

- (e) The joint committees currently existing are listed in Schedule 2.

5. Agreement between Cherwell District Council and Oxfordshire County Council

This arrangement is governed by a formal “S113 Agreement” agreed by both Councils and has set up a Partnership Working Group, Joint Committees and a process for managing potential conflicts of interest between staff of both authorities who may work on joint projects or services. The Agreement envisages a shared senior management team and the achievement of proposals for joint working.

6. Access to Information

- (a) If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that which applies to the Executive.
- (b) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

7. Contracting Out

The Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council’s agent under usual contracting principles, provided there is no delegation of the Council’s discretionary decision making.

Schedule 1 – Agency Arrangements

Partner Authority	Function
(a) Cherwell District Council	<ul style="list-style-type: none"> (i) Verge, tree and hedge maintenance. (ii) Adoption of private streets. (iii) Administration of Advance Payments Code. (iv) Recovery and disposal of abandoned vehicles. (v) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time. (vi) Highway verge maintenance (grass cutting)
(b) Oxford City Council	<ul style="list-style-type: none"> (i) Promotion and implementation of minor highway and traffic measures funded from developer contributions. (ii) Recovery and disposal of abandoned vehicles. (iii) Highway verge maintenance (grass cutting)
(c) South Oxfordshire District Council	<ul style="list-style-type: none"> (i) Recovery and disposal of abandoned vehicles. (ii) Administration of specified on-street pay & display parking places, Wallingford. (iii) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time.
(d) Vale of White Horse District Council	<ul style="list-style-type: none"> (i) Verge, tree and hedge maintenance. (ii) Adoption of private streets. (iii) Administration of Advance Payments Code. (iv) Recovery and disposal of abandoned vehicles. (v) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time. (vi) Highway verge maintenance (grass cutting)
(e) West Oxfordshire District Council	<ul style="list-style-type: none"> (i) Verge, tree and hedge maintenance. (ii) Adoption of private streets. (iii) Administration of Advance Payments Code. (iv) Recovery and disposal of abandoned vehicles. (v) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time. (vi) Highway verge maintenance (grass cutting)

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| (f) All Town & Parish Councils
(subject to specific agreement in each case) | (i) Removal of unauthorised signs from the highway.
(ii) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time.
(iii) Highway verge maintenance (grass cutting) |
| (g) Abingdon Town Council
(h) Henley Town Council
(i) Thame Town Council | Administration of specified town centre on-street parking schemes. |

Schedule 2 – Joint Committees

Part 1 – Relating to Non-Executive Functions

Partner Authority(ies)	Committee
None	None

Part 2 – Relating to Executive Functions

Partner Authority(ies)	Committee
The authorities within the Oxfordshire Local Enterprise Partnership (LEP) i.e. Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council	Oxfordshire Growth Board
Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Surrey and West Sussex Fire Authorities	
Other traffic authorities outside London operating Special and Permitted Parking Areas ²	National Parking Adjudication Service Joint Committee

²As defined in Schedule 3 to the Road Traffic Act 1991

Part 3 – Relating to Scrutiny Functions

Partner Authority(ies)	Committee
Oxfordshire County Council and the 5 district councils in the County ³	Oxfordshire Joint Health Overview & Scrutiny Committee

³Statutory Committee set up under Section 8(2)(a) of the Health & Social Care Act 2001

Schedule 3 – Partnerships

In addition to its involvement in agency and joint arrangements, the Council participates in the Oxfordshire Partnership, the over-arching strategic partnership for the County.

In practice, the Council engages in various partnerships including:

- Oxfordshire Environment and Waste Partnership
- Oxfordshire Safer Communities Partnership
- Oxfordshire Stronger Communities Alliance
- Oxfordshire Safeguarding Children Board
- Oxfordshire Safeguarding Adults Board

Schedule 4

Cherwell District Council and Oxfordshire County Council have entered into a Section 113 agreement and the following bodies and terms of reference have been established:

- Partnership Working Group (Annex 1)
- Joint Shared Service and Personnel Committee (Annex 2)
- Joint Appeals Committee (Annex 3)

PARTNERSHIP WORKING GROUP

CHERWELL DISTRICT COUNCIL and OXFORDSHIRE COUNTY COUNCIL

This Partnership Working Group is joint working group of Cherwell District Council and Oxfordshire County Council. It is established as an informal working group with the express intention of exploring the creation of a shared management team and possible areas of shared services, and for preparing recommendations to both authorities for achieving effective joint arrangements.

TERMS OF REFERENCE

MEMBERSHIP

- 5 elected members from each council as appointed by the Leaders
- 5 substitute members to be appointed for each council

OBJECTIVES

Overview:

To consider joint arrangement proposals and performance and to make recommendations to the Joint Shared Service and Personnel Committee or separate councils for decision as required.

In detail:

To oversee the development, on a service by service basis, of a detailed business case for the creation of joint arrangements. This is likely to include recommendations as to:

- Delivering an effective and lean joint management structure
- Identifying areas to develop joint working in line with the principles agreed by both councils - including opportunities for development of aligned policy and procedures where appropriate
- Scoping the financial baselines and the capacity to improve (or maintain) the financial position of both councils
- Identifying other key benefits and associated success criteria for shared arrangements
- Establishing shared support services, serving the needs of both councils to the standards agreed by each
- Maximising the opportunities for joint initiatives and joint working with partners in ways that better meet the needs of residents
- Determining and recommending a mechanism/formula for the allocation of associated costs and efficiencies across both organisations, including a ratio for the apportionment of costs, one-off costs including redundancy and associated pension costs, arising from the creation of the Shared Senior Management Team and Shared Services
- Detailing the risks to both Councils and recommending mitigating actions to both authorities

- Establishing protocols to deal with Communications and those specified in the Inter Authority Section 113 Agreement

The Partnership Working Group will produce recommendations to the Joint Shared Service and Personnel Committee, Executive, Cabinet and Full Councils of both authorities, as appropriate.

REMEDIES UNDER THE SECTION 113 AGREEMENT

The Working Group shall have the role, as agreed under the Section 113 Agreement (Clauses 7.3, 7.5 and 10.1) in terms of seeking to achieve a remedy where, under one council wishes to withdraw from the Agreement and the informal Dispute under Clause 10 of the Agreement has not been successful.

QUORUM

The Working Group's meetings will be considered quorate if three elected members from each council are present.

NUMBER AND FREQUENCY OF MEETINGS

The Working Group will meet on at least four occasions a year.

The Working Group will convene at a time convenient to a majority of its Members.

The meetings will alternate between Banbury and Oxford. Officers will facilitate a standard agenda for the meetings and maintain a record of decisions and actions, together with a risks and issues log.

TIMETABLE

At its first meeting, the Working Group will agree a workplan (officers to provide a draft workplan in advance) and timescale. Notwithstanding this, it is expected that:

- Draft recommendations will be sent to the controlling and opposition groups of both authorities
- Final recommendations will be sent to the Joint Shared Service and Personnel Committee or each authority's Executive and Council as required

In any event, the Group will report to both Councils on its findings and recommendations in relation to the establishment of a Shared Management Team no later than six months after the signing date of the relevant Section 113 agreement.

STATUS OF THE WORKING GROUP

The Working Group is an informal working group of both authorities. As such, its meetings will not be subject to the constitutional provisions relating to access to proportionality or the information procedure rules of either authority. Its final recommendations, and the rationale for them, will of course be made public.

JOINT SHARED SERVICE AND PERSONNEL COMMITTEE

CHERWELL DISTRICT COUNCIL and OXFORDSHIRE COUNTY COUNCIL

Under Local Government Act 1972 s.101 (5) two or more local authorities may appoint a joint committee to discharge any of their functions that are not reserved for the sole decision of a single authority in legislation. The Joint Committee can authorise an officer employed by either authority to act on its behalf. Whilst it is envisaged that the majority of daily business and processes such as recruitment, personnel and appeals will be carried out under each employing authority's decision-making processes, there are a few functions which are best delivered through joint arrangements.

Area: the Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.

Membership: the Committee shall be comprised of 10 Councillors, 5 from Cherwell District Council and 5 from Oxfordshire County Council with 5 named substitutes from each authority. All Councillors including substitutes will receive appropriate training before they can participate as a Committee member.

Quorum: will be 3 Members from each authority (i.e. a total of 6).

Chairman: the Chairman and Vice Chairman will be elected by the committee and will be representative of each authority.

Decision making: decision will be by a majority of Members of the committee present and voting.

Terms of Reference

- To have responsibility for and to take any decision on staffing matters, (other than those delegated to officers) and any other non-executive decisions function specifically delegated to the committee by the respective councils, for any shared service established for the councils
- To have responsibility for and to take any executive decisions (other than those delegated to officers), specifically delegated to it by the respective Executive arrangements of the councils with regard to any shared service established for the councils
- To ensure that any shared service meets the requirements of the councils in furthering the objectives of their respective corporate plans.
- To take all executive decisions with regard to any established and future shared service to include regular budget and performance data for any shared service.

Shared Management

In the case of shared Chief Officer posts:

- To act as the interviewing panel for the Head of Paid Service (Chief Executive), making recommendations to the councils for formal appointment.
- To act as the interviewing panel and appoint shared chief officers (Officers who report to the Chief Executive) working across the councils (NB. Anyone involved in the decision for a particular post must be present throughout the entire interview process).

Shared Posts

Where a business case has been agreed by the councils and a decision made to share a service between them to:

- Agree posts to be declared 'at risk', and to approve dismissal, including compulsory or voluntary redundancy and the exercise of discretionary awards to any post where costs are shared or are going to be shared. This excludes the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (if shared) on the grounds of misconduct which must be the subject of a resolution of the relevant full Council following compliance with the procedure set out in the Officer Employment Procedure Rules.

Shared Statutory Officer Discipline

The role and responsibilities of the Joint Personnel Committee with regard to shared Statutory Officer disciplinary action is to:

- Ensure that the Statutory Officer clearly understands the standards of conduct expected of him/her.
- Carry out, or make arrangements for, an investigation when any breach of discipline is alleged.
- Ensure that the Statutory Officer subject to investigation is kept up-to-date with progress.
- Decide, in the most serious cases whether or not to suspend or (where the Statutory Officer has already been suspended by the Head of Paid Service or Monitoring Officer under their delegated powers) to continue the suspension of the Statutory Officer, in accordance with the Statutory Officer disciplinary policy.
- Report to Full Council (of the employing authority) in respect of a recommendation to dismiss, having convened a Panel comprising Independent Persons in accordance with the Officer Employment Procedure Rules.

JOINT APPEALS COMMITTEE

CHERWELL DISTRICT COUNCIL and OXFORDSHIRE COUNTY COUNCIL

Area: The Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.

Membership: The Committee shall be comprised of 6 councillors, 3 from Cherwell District Council and 3 from Oxfordshire County Council with 3 named substitutes from each authority. They may not be members of the Joint Personnel Committee. All councillors including substitutes will receive appropriate training before they can participate as a Committee member.

Quorum: will be 2 Members from each authority (i.e. a total of 4).

Chairman: The Chairman and Vice Chairman will be elected by the Committee and will be representative of each authority.

Decision making: decision will be by a majority of Members of the Committee present and voting.

Terms of Reference

- To hear and determine any appeals, or grievance appeals, made against the Head of Paid Service/Chief Executive by any shared Chief Officer or Deputy Chief Officer either Council.
- To hear and determine any appeals brought by the Chief Executive and (if shared) the Monitoring Officer and section 151 Officer against any disciplinary sanctions imposed short of dismissal.
- To hear and determine any appeals against any disciplinary sanctions imposed on a Chief Officer who is shared between Cherwell District Council and Oxfordshire County Council excluding the statutory officers referred to above.