

Report to CABINET

Appointments to Cabinet Sub-Committees and Joint Committee

Portfolio Holder:

Cllr Arooj Shah, Leader of the Council

Officer Contact: Peter Thompson, Constitutional Services

24th July 2023

Reason for Decision

To seek appointments from the Cabinet to:

1. The Local Investment Fund Cabinet Sub-Committee
2. The Commissioning Partnership Board
3. The Shareholder Cabinet Sub-Committee

Recommendations

That the Cabinet appoint Members of the Cabinet to the Cabinet Sub-Committees, with full delegated powers as per the Terms of Reference as detailed within the appendices to the report.

Appointments to Cabinet Sub-Committees and Joint Committee

1 Background

Local Investment Fund Cabinet Sub-Committee

- 1.1 In May 2019 the Council resolved that a Local Improvement Fund (LIF) should be established. The LIF is a £500k fund that all elected members and District Teams can access through a bidding process. The terms of Reference are attached at Appendix 1.
- 1.2 Cabinet previously established a sub-committee of three to oversee the LIF application process and approve successful grant applications and 3 appointments to the sub-committee are requested.

Commissioning Partnership Board

- 1.3 In June 2018 Cabinet agreed to establish a Joint Committee of Oldham Council and Oldham Clinical Commissioning Group (Commissioning Partnership Board) under Regulation 10 (2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000, to undertake Executive functions within the Boards Terms of Reference.
- 1.4 Cabinet agreed to delegate authority to the Joint Committee to undertake joint commissioning functions that were Executive functions to a Commissioning Partnership Board within the procedures set out in the terms of reference, as detailed at Appendix 2 supporting the section 75 agreement(s) that would enable a scaling up of the integration of health and care commissioning in Oldham. It is requested that the Leader, Statutory Deputy Leader, Cabinet Member for Health and Social Care and Cabinet Member for Children and Young People area appointed to the Joint Committee.

Shareholder Cabinet Sub-Committee

- 1.5 In October 2018 the Cabinet established a Shareholder Cabinet Sub-Committee to have responsibility for exercising “shareholder control”, with regard to wholly owned Council companies. The Shareholder Committee safeguards the Council’s interest as shareholder and take decisions in matters that require the approval of the Council as owner of the company. Decisions in relation to the day to day operation of the company are taken by the directors of the company. The Terms of Reference are attached at Appendix 3. It is requested that 4 appointments are made to the Shareholder Cabinet Sub-Committee.

2 Current Position

- 2.1 Membership of the Sub-Committee is referred to in the Terms of Reference.

3 Options/Alternatives

- 3.1 Option 1 – appoint new members to the Sub-Committees/Joint Committee, with full delegated powers.
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Option 2 – do nothing. The Cabinet could make decisions in relation to the Local Investment Fund and the S.75 agreement/budgets/Shareholder.

4 **Preferred Option**

4.1 Option 1 – appoint new members to the Sub-Committees, with full delegated powers.

5 **Consultation**

5.1 n/a

6 **Financial Implications**

6.1 n/a

7 **Legal Services Comments**

7.1 These are contained within the body of the report.

8. **Co-operative Agenda**

8.1 Appointing new members will enable the Council to meet its duties.

9 **Human Resources Comments**

9.1 n/a

10 **Risk Assessments**

10.1 n/a

11 **IT Implications**

11.1 n/a

12 **Property Implications**

12.1 n/a

13 **Procurement Implications**

13.1 n/a

14 **Environmental and Health & Safety Implications**

14.1 n/a

15 **Equality, community cohesion and crime implications**

15.1 None

16 **Equality Impact Assessment Completed?**

16.1 No

17 **Key Decision**

17.1 No

18 **Key Decision Reference**

18.1 n/a

19 **Background Papers**

19.1 None

20 **Appendices**

20.1 Appendix 1 – LIF Cabinet Sub-Committee Terms of Reference
Appendix 2– Commissioning Partnership Board
Appendix 3– Shareholder Cabinet Sub-Committee

Terms of Reference

1. Name of Group

The Sub-Committee shall be called The Local Improvement Fund Committee.

2. Purpose of the Group

The purpose of the Sub-Committee of Cabinet is to allocate funding from the Local Improvement Fund to projects across the borough which promote and pursue the aims and objectives of the individual District Priorities.

The Sub-Committee is a constituted meeting of the Council is subject to the Council's procedure rules, Cabinet procedure rules and the access to information procedure rules, as set out in the Council's Constitution, unless stated otherwise in these terms of reference.

3. Duties and Powers

The Council has committed to resource a £500k Local Improvement Fund to provide funding for projects that meet local need as identified in the District Priorities. Members of the Sub-Committee will be required to declare interests, as set out in the Council's Members Code of Conduct.

Written Public Questions may be submitted to, and asked at, the Sub-Committee meeting but all matters must be within the remit of the terms of reference of the Sub-Committee (see section 2).

4. Reporting Arrangements

The Minutes of the Sub-Committee will be submitted to the Cabinet.

5. Membership

The Sub-Committee of Cabinet will comprise of 3 Members of the Council's Cabinet, appointed by Cabinet.:

- Leader of the Council
- Statutory Deputy Leader of the Council
- Cabinet Member for Finance and Corporate Resources

6. Voting Procedures and Quorum

Each of the Sub-Committee Members shall have one vote.

In the case of equality of votes, the Chair shall have the casting vote. The quorum of the Sub-Committee is three Cabinet Members.

7. Frequency of Meetings

Meetings will take place as and when required, but not less than once a year.

All meetings will take place in Oldham Civic Centre, unless specifically pre-arranged at an alternative venue.

Agendas will be circulated to Members five clear working days before a meeting, by Constitutional Services at Oldham Council.

8. Support

The meetings will be administered and serviced by Constitutional Services. The Strategic Director for Reform and Director of Finance or their nominated representatives, will attend all meetings.

9. Review

These terms of reference will be reviewed annually at the first meeting of the Cabinet in the municipal year.

Commissioning Partnership Board

The Commissioning Partnership Board shall:

- a. Take responsibility for the management of partnership arrangements in accordance with such section 75 agreement or agreements that the Oldham Clinical Commissioning Group (CCG) and the Council may from time to time agree, including monitoring the arrangements and receiving reports and information on the operation of the arrangements;
- b. Together with the Commissioning Committee provide assurance to the Governing Body, CCG members and other relevant parties on delivery of statutory functions and responsibilities exercisable by the CCG.

The Commissioning Partnership Board will:

- a. Support the Health and Wellbeing Board to set the high-level commissioning strategy and health and wellbeing outcomes for the Borough in order to meet assessed population, community and individual need within the financial resources of the pooled funds over which the Commissioning Partnership Board has control.
- b. Make commissioning recommendations for the financial resources not controlled by the Commissioning Partnership Board.
- c. Support the dissolving of traditional boundaries between commissioning and provision of services in Oldham to improve outcomes for Oldham population against the agreed Oldham Cares Outcomes Framework.
- d. Have responsibility for all matters relating to the pooled funds as may be set out in a Section 75 agreement.
- e. Develop, implement and monitor those elements of the Alliance contract for the Oldham Integrated Care Organisation that relate to the provision of services that are subject to the integrated commissioning arrangements.
- f. Make recommendations regarding the other elements of the Alliance contract for the Oldham Integrated Care Organisation (ICO).
- g. Recommend the high level parameters for the Strategic Commissioning Function.
- h. Recommend the high level parameters for the Primary Care and Community and Social Care Clusters within the ICO.
- i. Recommend that appropriate contracting mechanisms are in place within the ICO Alliance and outside of ICO arrangements e.g. specialist hospital services.
- j. Maintain a strategic overview and assurance role on behalf of the Health and Wellbeing Board to ensure implementation and delivery of the agreed high level strategies and outcomes set jointly between Oldham CCG and Oldham Council.
- k. Monitor and review high level outcomes and performance data to ensure that the ICO is achieving the goals established by commissioners for the transformation of health and social care services against the Oldham Cares Outcomes Framework.

The objectives of the Commissioning Partnership Board are;

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- a. To govern the arrangements for integrated commissioning in the Oldham borough providing assurance to NHS Oldham CCG and Oldham MBC that their statutory and mandatory responsibilities and strategic objectives are being met and that their combined resources are being utilised to best effect.
 - b. To provide assurance to Oldham Health and Wellbeing Board, NHS Oldham CCG and Oldham MBC for the achievement of the agreed outcomes, commissioning strategies and plans within the available financial envelope.
 - c. To prepare an annual integrated commissioning strategy, setting out specific goals and outcomes for commissioning in the Borough and the intentions of the whole system to transform health and social care delivery in order to reflect best practice and value for money.
 - d. Within the integrated commissioning strategy, describe how the outcomes and objectives set out in the Section 75 Agreement and the high level strategic goals and outcomes of NHS Oldham CCG and Oldham MBC will be achieved.
 - e. To commit resource at high level within the pooled fund(s) to achieve the objectives of the integrated commissioning strategy through the Oldham Cares system structure.
 - f. To develop a joint financial plan to underpin the overall commissioning strategy and providing direction in relation to investments and savings to be made jointly by the Council and CCG.
 - g. To oversee the implementation of the integrated commissioning strategy.
 - h. To set the high level quality standards for, and monitor and review the outcomes and performance for commissioned services within the s.75 agreement, identifying areas of good practice and taking action where outcomes and performance fall short of requirements.
 - i. To ensure that the prescribed functions of Oldham Council and Oldham NHS CCG are properly and effectively discharged through the pooled funds and the strategic commissioning arrangements as appropriate.
 - j. To ensure the engagement of stakeholder groups - including users, patients, carers, providers and community organisations - in the commissioning cycle and the co-design of commissioned services and the formulation of strategy as appropriate.
 - k. To provide assurance to the Health and Wellbeing Board, CCG Governing Body, Oldham Council Cabinet and the Council's Overview and Scrutiny Committees of the quality and safety of commissioned services within the Section 75 agreement, of the proper and effective use of resources in the pooled fund and of the achievement of agreed strategy and outcomes.
 - l. To conduct all business in accordance with the provisions of the Section 75 Agreement including the standards on partnership behaviours and the code of conduct on conflicts of interest.
 - m. To be fully aware of the Greater Manchester integrated commissioning arrangements as they develop in the context of the Greater Manchester Devolution Agreement and ensure full alignment between the arrangements in the Oldham borough, the North East sector, and the city region.
 - n. To identify, record, mitigate and manage all risks associated with strategic integrated commissioning, including the maintenance of a risk register which will be included on the risk registers of both NHS Oldham CCG and Oldham MBC.
 - o. To review regular high-level performance and financial monitoring reports relating to strategic integrated commissioning and the pooled fund and
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ensure, if required, appropriate action is taken to ensure annual delivery of expected performance targets and approved schemes within permitted budget for the financial year.

- p. To promote improvement and innovation and demonstrate leadership in pursuing the objectives and upholding the principles underpinning the ways of working in the newly established partnership.

Membership

The Commissioning Partnership Board will comprise of 4 Members of the Council's Cabinet:

- Leader of the Council
- Statutory Deputy Leader of the Council
- Cabinet Member for Health and Social Care
- Cabinet member for Children and Young People

Oldham Council Shareholder Committee

Terms of Reference

Overview

1. The Council has established MioCare and Northern Roots as a wholly owned company. The Council is the sole shareholder in the companies. Shareholding is an executive function.
2. Under the Executive arrangements operated by the Council, executive power is vested in the Leader of the Council. The Leader of the Council therefore has the authority to determine how the Council is to be represented in its role as the shareholder of its companies.
3. The Leader of the Council has delegated responsibility for the shareholder function, in relation to the Companies, to the members of the Cabinet.
4. The members of the Cabinet will therefore form a Shareholder Sub-Committee to carry out this responsibility.
5. The Shareholder Committee will obtain advice from Council officers as required.
6. Responsibility for the day to day operation and management of the Companies (including the responsibility for internal processes and staffing matters) vests in that Company's Board of Directors, who must ensure that the Company's business is conducted in accordance with the terms of the Company's Shareholders' Agreement and its Articles of Association.

Terms of Reference of the Shareholder Committee

The Shareholder Sub-Committee will:

1. Safeguard the Council's investment in the Company and ensure the Company complies with the Council's corporate objectives and maximise outcomes in line with Council policy.
2. Approve the Shareholder's Agreement, where applicable.
3. Receive, review and comment on the annual report and financial accounts of the Council Company and agree how these are to be published and circulated.
4. Appoint and remove Company Directors and ensure directors operate in accordance with the Council Companies' objectives.
5. Agree the employment of any non-executive or external Directors and the basis on which these directors will be remunerated.
6. Appoint the Company auditors.
7. Determine the distribution of any surplus or the issue of any dividends from the Council Company, in accordance with the Shareholder's Agreement, and exercise any other strategic functions flowing from the Council's ownership of shares.
8. Approve any frameworks within which the Council interfaces with the Council Company (e.g. a code of conduct for how Council officers interact with the Company).
9. Exercise any reserved powers set out in the Company's Shareholder Agreement or Articles of Association.
10. Refer any conflicts arising between the Council Company and other Council-owned companies to the Cabinet for resolution.
11. Grant an indemnity to all Members and Officers acting as Directors on the company Board.

Meetings of the Shareholder Committee

1. Meetings will be operated in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, requiring that:
 - Agendas are published 5 clear working days in advance of meetings. Private meetings are notified 28 days in advance. Otherwise urgency rules will apply, requiring the agreement of the Chair of Scrutiny. Key decisions will be notified 28 days in advance.
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Otherwise urgency rules will apply, requiring that the Chair of Scrutiny is informed (or if less than 5 clear days in advance, agrees).

- Members of Council will be able to attend public and private parts of meetings.
 - Members of the public will be able to attend the public part of meetings.
 - Meetings will be scheduled annually.
2. Extraordinary meetings can be called at any time by the Leader of the Council or the Board of Directors. The quorum is 3 and must include either the Leader of the Council or Statutory Deputy Leader.
 3. Substitutions will not be allowed.
 4. The Council shall appoint 4 members of the Cabinet – the Leader of the Council, the Statutory Deputy Leader, the Cabinet Member for Finance and Corporate Resources and the Cabinet Member for Neighbourhoods.
 5. Meetings will be chaired by the Leader of the Council or in their absence, the Statutory Deputy Leader.
 6. Meetings will also be attended by the Company Directors, the Company Secretary and the Shareholder Committee advisors.
 7. At each meeting the Chair will approve the minutes of the previous meeting.
 8. The Shareholder Committee will take decisions in respect of the Council's total holdings in the Company.
 9. Decisions will be taken those present, with member present having a single vote. In the event of a tied vote the Chair will have a casting vote.

Voting Procedures and Quorum

1. Each member of the Shareholder Committee shall have one vote, each vote carries equal weight and decisions of the Shareholder Committee shall be made on a majority vote. In the event of a tied vote the Chair shall have the casting vote.
2. The Shareholder Committee has legal capacity to make and implement decisions in its own right without the need for ratification by the Cabinet.
3. Decisions of the Shareholder Committee will be binding both on the said Committee and on Oldham Borough Council.

Relationship to the Governance Strategy and Resources Scrutiny Board retains its scrutiny function in relation to the Shareholder Committee.

1. The Council's Governance Strategy and Resources Scrutiny Board retains its scrutiny function in relation to the Shareholder Committee.
 2. The Committee will be able to call the Shareholder Sub-Committee and its advisors to account for the progress and performance of the Company in accordance with a scrutiny protocol.
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