

**BRIGHTON & HOVE CITY COUNCIL  
OVERVIEW & SCRUTINY COMMISSION  
4.00PM 5 APRIL 2011  
COUNCIL CHAMBER, HOVE TOWN HALL  
MINUTES**

**Present:** Councillors Mitchell (Chairman); Pidgeon (Deputy Chairman), Cobb, Elgood, Kennedy, Morgan, Older and Peltzer Dunn

**PART ONE**

**69. PROCEDURAL BUSINESS**

69.1 The Chairman Councillor Gill Mitchell welcomed everyone to the meeting. This was being recorded and would be available for repeat viewing on the Council's website.

**69a Declarations of Substitutes**

69.2 There were none

**69b Declarations of Interests**

69.3 There were none

**69c Declaration of Party Whip**

69.4 There were none.

**69d Exclusion of Press and Public**

In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

**RESOLVED:** That the press and public be not excluded from the meeting.

**70. MINUTES OF THE MEETINGS HELD ON 1 FEBRUARY AND 22 FEBRUARY**

70.1 **RESOLVED** that the minutes of the meetings held on 2 February 2011 and 22 February 2011 be agreed and signed by the Chairman.

## 71. CHAIRS COMMUNICATIONS

71.1 Councillor Mitchell thanked colleagues who had served on OSC during this electoral cycle. The Commission had scrutinised a wide range of topics working successfully within a new constitution and new council structure. Item 77 on the agenda gave a scrutiny update. On behalf of the Commission, Councillor Mitchell thanked the scrutiny team for their support.

## 72. PUBLIC QUESTIONS/ LETTERS FROM COUNCILLORS/REFERRALS FROM COMMITTEES/NOTICES OF MOTION REFERRED FROM COUNCIL

72.1 At the invitation of the Chairman, Secretary and Founder Member of Brighton Society Selma Montford, spoke to the meeting about a letter requesting scrutiny on behalf of the Brighton Society, one of the signatory organisations.

72.3 Ms Montford said public participation in planning had been a concern locally for many years. Acknowledging the difficulty in designing a professional questionnaire she said planning officers should not be expected to do this as they did not necessarily have training. Giving an example she said some questions were 'ridiculous' in her view.

72.3 Ms Montford stressed that giving information was quite different from consultation. Residents would feel happier if they were given feedback on their views and reasons for and against decisions made.

72.4 'Consultations' - usually only 'information' she said - from developers were a particular worry, especially because the outcomes were not normally available and this led to distrust. Results of developers' questionnaires should be published, she stated.

72.5 The more members of the public were consulted, the less likely they were to comment or object on a planning application formally to the Council, on the wrong assumption that 'I don't need to do this again.' Therefore care was needed in asking for people's views. She questioned why surveys asked about religion and sexual orientation as some people found these annoying and unnecessary.

72.6 Ms Montford gave examples of good practice; for instance consultation regarding The Level and monthly meetings with residents in recent years on a major redevelopment.

72.7 In discussing the request for scrutiny the meeting heard that a regular update to OSC was scheduled on implementing the Community Engagement Framework. It was suggested that an additional section be requested in that report to address the issues raised here, to include a consideration of planning consultation and best practice and guidance for developers. Examples of questionnaires could be provided and reasons for the equalities questions and statistics fully clarified.

72.8 Members referred to the Government's localism agenda and agreed it was important for the local authority to ensure meaningful consultation and that those involved felt they were being listened to.

72.9 Amenity groups could be invited back to provide comments.

**72.10 RESOLVED;** that in the scheduled update report to OSC on the Community Engagement Framework, officers be asked to include a section addressing the concerns raised in the request for scrutiny, as minuted above.

### **73. TBM MONTH 9 2010-2011**

73.1 The Head of Finance Integrated Financial Management and Planning noted that the TBM Month 9 report had been presented to 17 February Cabinet alongside the General Fund, Housing Revenue Account (HRA) and Capital programme reports.

73.2 He pointed out a significant improvement compared with the forecast outturn at Month 6 in the position for the council-controlled budgets, from £300,000 overspend to a £1.7 million underspend, mostly in the Adult Social Care and CYPT former areas and also as part of the Value for Money programme, performance recovery plans and spending constraints. An underspend of £1.465 million on Council Controlled Budgets, as shown at report paragraph 3.2, had been taken into account in setting the budget for 2011-2012.

73.4 The report showed a continuing underspend in the HRA. The main changes to the capital investment programme were within schools and HRA, both by far the largest elements of the capital programme.

73.5 Asked about the 16.4% change in the communications budget; the Head of Finance said the communications team had overspent, in support of other services. Savings in communications including printing had been reflected in TBM estimates across the Council however the cost of helping deliver the savings had been left with the Communications team. Amendments have been made in setting the 2011-2012 budget.

73.6 Asked about any grant funding that had not been spent the Head of Finance said the best use of all grant funding was made and he was not aware of any grants where funding will need to be paid back. He noted that rules had recently been relaxed for some grants such that paying back of unused funds is not required.

73.7 **RESOLVED** that the report and further information be noted.

### **74. EQUALITIES SIX-MONTHLY UPDATE**

74.1 The Strategic Director Communities introduced the report as the Commissioner Communities and Equalities was indisposed. He noted the good news that the Council was one of only three authorities that had achieved the top 'Excellent' in the national Equality Standard for Local Government, and reassured the Commission of the commitment to continuing progress within the business plan for 2011-2012.

74.2 He referred to section 5 of the report explaining that the Single Equality Scheme and the Equality and Inclusion Policy were now being drawn together into one action plan that would make a real difference for people.

74.3 Regarding the request for scrutiny at Item 72 on the agenda the Strategic Director said the Council was proud of the Community Engagement Framework but was aware that more

was needed to ensure it is firmly embedded. Work on rolling out the CEF is in progress in the Equalities team; requests for opinions had to be accompanied by clear information about what was being asked, why and how feedback would be used.

74.4 The Strategic Director replied to a query on the Pride street party. No formal request had been received by the Council and recent reports in local publications needed clarifying. The Council was supportive but proposals had to be developed further before any budget allocation could be made.

74.5 All the Members asked that special thanks be passed on to the Commissioner for the exemplary work undertaken by her team since June 2010, and wished her well.

74.6 **RESOLVED** 1) that the progress made so far against the objectives set out in the Single Equality Scheme Action Plan be noted

2) that the plan for reviewing the Scheme and concurrently, the Council's Equality and Inclusion Policy, be noted

3) that OSC's involvement in this consultation on the Scheme and Policy be noted.

## **75. MONITORING STAFF DISABILITIES SCRUTINY RECOMMENDATIONS**

75.1 The Head of Human Resources and Organisational Development presented the update on work undertaken on employment and training, since the Disability Scrutiny Panel report and response to the recommendations from 23 September 2010 Cabinet. This was part of OSC's role in monitoring work on implementing scrutiny recommendations.

75.2 She said there was continuing involvement by the Disabled Workers' Forum (DWF). DWF had given expert advice in developing policies and procedures, including attendance policy and e-learning on diversity - which now has 85% uptake amongst staff. There would be continuing work on the recommendations and learning from colleagues in the DWF.

75.3 Members welcomed the report and asked for a further monitoring report to a future meeting.

75.4 With the agreement of the Chair, Councillor David Watkins spoke about the scrutiny review. He had chaired the scrutiny review and was currently undertaking the role of Councillor Disability Champion working closely with the DWF.

75.5 He requested that the role of Councillor Disability Champion, working through the DWF, be formally recognised within the Constitution.

75.6 After discussion Members agreed that the Council Leader would be asked to consider this request.

75.7 The officers were thanked for progressing all the recommendations.

75.8 **RESOLVED** 1) that Members note the action taken against the recommendations

2) that a further monitoring report be provided

3) that the Chairman write to the Council Leader to request the designation of Councillor Disability Champion as minuted above at 75.4 and 75.5.

## **76. INTELLIGENT COMMISSIONING : FEEDBACK FROM SCRUTINY WORKSHOPS**

76.1 The Strategic Director Communities introduced the report on the feedback from the three scrutiny workshops. The outcome of the Intelligent Commissioning Pilot on Domestic Violence was being taken to the 7 April Cabinet; the remaining two – Drug-Related Deaths and Alcohol-related Harm - would go to future Cabinet meetings.

76.2 He thanked Members of Overview and Scrutiny Commission for their valuable input to the workshops, which had been very useful in informing the reports for Cabinet.

76.3 The Chairman Councillor Gill Mitchell thanked those who took part. The workshops had demonstrated the intelligent commissioning process well in three complex areas of work; from the detailed needs analyses to the recommendations built upon them.

76.4 Members commented that the three subject areas had been particularly demanding and gave insight to the nature and scale of the challenges facing the City. They remarked on the large amount of research that had been done for each pilot.

76.5 Having participated in the pilot workshops, they felt this approach had worked well and provided a good basis for targeted scrutiny of other service areas for the future.

76.6 The Strategic Director commented that combining evidence and experience in the workshops provided a chance for helpful dialogue. Members were able to comment on the areas they were most concerned about and where the most difference can be made. The pilots had indicated that future needs assessments should take less time, however analysing the potential outcomes needed more time.

76.7 Replying to questions the Strategic Director said these three subjects were particularly complex but so were many others that had a big impact on the City, for example in youth, adult and older peoples' services. A commissioning calendar was being prepared which would include a mix of large cross-cutting services as well as more specific shorter pieces of work within tighter timescales. A library of intelligent commissioning outcomes would enable easy cross-referencing of links between services.

**76.8 RESOLVED;** that OSC comments and feedback from the workshops be referred to 7 April Cabinet.

## **77. SCRUTINY UPDATE AND OSC WORK PLAN**

77.1 The Head of Scrutiny outlined the summary of the large amount of work undertaken by the Commission during this electoral cycle. It included 20 in-depth scrutiny reviews and innovations such as involving partners, working with the Universities and different ways to communicate with residents. The current Scrutiny Newsletter included with the report had been widely circulated.

77.2 The opportunity for public involvement in suggesting topics for scrutiny, as also evidenced by the request for scrutiny at item 72, was welcomed by Members. The meeting was reminded that the Scrutiny Panel on Renewable Energy Potential and Private Sector Letting Agents had been suggested during the 2010 consultation and several other topic suggestions were being carried forward.

77.3 **RESOLVED:** that the report be noted.

**78. ITEMS TO GO FORWARD TO CABINET MEMBER, CABINET OR FULL COUNCIL**

78.1 Feedback on the Intelligent Commissioning Pilots at Item 76 would be referred to 7 April Cabinet.

At the end of the meeting; on behalf of all the Members of the Overview and Scrutiny Commission, Councillor Peltzer Dunn thanked the Chairman for her skilled chairing.

The meeting concluded at 5.15pm

Signed

Chair

Dated this

day of