

**BRIGHTON & HOVE CITY COUNCIL
OVERVIEW & SCRUTINY COMMISSION
4.00PM 13 SEPTEMBER 2011
COUNCIL CHAMBER, HOVE TOWN HALL**

MINUTES

Present: Councillors Mitchell (Chair); Brown, Follett, Littman, Morgan, K Norman, Powell, Summers and G Theobald

PART ONE

30. PROCEDURAL BUSINESS

30a Declarations of Substitutes

Councillor G Theobald was substituting for Cllr Tony Janio.

30b Declarations of Interests

There were none.

30c Declaration of Party Whip

There were none.

30d 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.

31. MINUTES OF THE MEETING HELD ON 19 JULY AND CALL-IN MEETING HELD ON 22 JULY 2011

31.1 The minutes of the meetings held on 19 July and 22 July 2011 were agreed and signed by the Chairman.

32. CHAIRS COMMUNICATIONS

32.1 The Chair Councillor Mitchell welcomed everyone to the meeting and mentioned the summary of the OSC workshop of the Corporate Plan that had been circulated to Members.

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

33.1 There were none.

34. CONSULTATION ON THE PROPOSED MERGER BETWEEN EAST AND WEST SUSSEX FIRE AND RESCUE SERVICE

34.1 Chief Fire Officer, East Sussex Fire and Rescue Service Des Prichard, and Max Hood, County Fire Officer West Sussex Fire and Rescue Service, were welcomed by the Chair Councillor Gill Mitchell.

34.2 Des Prichard thanked the OSC for the invitation to discuss the proposed merger between East and West Sussex Fire Authorities. He first introduced the new Borough Commander for Brighton & Hove, Mark Rist who had recently replaced Keith Ring.

34.3 Potential mergers of fire and rescue services had been mooted since 1970 but the first (Devon and Somerset) did not happen until 2007. Governance arrangements for fire services were changed in 1996, with East Sussex becoming a stand-alone combined fire authority in 1997 while in West Sussex the fire authority continued and still continues to be the County Council.

34.4 East and West Sussex Fire and Rescue Services work very closely together and operate joint training and recruitment facilities. Both are part of a regional consortium to purchase equipment.

34.5 ESFRS aimed to be a cost-effective service, looking to reduce risk and take preventive and protective action wherever possible. Due to grant reductions nationally, a potential shortfall of £1.3 million from 2014 - 2015 had been identified by the East Sussex Fire Authority which represents a large proportion of the total budget of just below £40million. Approximately 80% of expenditure was on staff, national insurance and pension contributions.

34.6 All options had been considered, from 'no change' to a full merger. In his professional view the only option to deliver the required savings would be a full merger and this was now open to the current consultation, Mr Prichard told Members.

34.7 West Sussex Fire and Rescue Service County Fire Officer Max Hood outlined the different savings profile for WSFRS that followed from the comprehensive spending review, and amounted to more than £2.5 million. The details of the proportion of grant relating to the fire service were at present being drawn out in discussion with the Department of Communities and Local Government and the County Council.

34.8 The savings called for either collaboration or a full-scale merger. The rationale and business cases were included in the agenda papers and set out on the two organisations' websites. Mr Hood said operational improvements would be possible via a merger, that would increase resilience, enable a bigger control room with more staff and greater capacity without affecting front-line services. Savings could be found in areas other than fire engines, fire stations and firefighters, he told the meeting.

34.9 There was broad support from Government Ministers for fire service mergers. The proposed merger would make financial sense in his opinion and views are being considered, he said.

34.10 The Strategic Director Place, Geoff Raw explained that the Council was not leading on the proposals but working together with the Fire Services to ensure that the City's best interest was represented, via effective consultation and appropriate feedback.

34.11 Members were concerned about the potential impact on Brighton & Hove taxpayers and about any possible moving away from local control and how to make a merged authority locally relevant. Acknowledging that all Members would be expected to work towards delivering an effective service across the whole of Sussex, there was agreement that BHCC would wish to continue to exert significant influence with the service.

34.12 Members discussed the implications of a Joint Board, which would not seem to offer advantages compared with a merged authority.

34.13 OSC noted that the fire service needs of the City differed from those of rural areas of East and West Sussex and despite Fire Service efforts to reduce risk, most incidents occurred in areas of highest population density. Senior Fire Officers offered to arrange a visit to a fire authority in the region which included a large rural area as well as a Unitary authority.

34.14 The Senior Fire Officers were asked about the timing of the proposed merger in relation to the timescale for disaggregation of funding and setting the budget and Council Tax for WSCC. Members heard that work was in progress to identify current government funding and IT systems, property and investment needs were being investigated. Work on these surveys and the outcome of the public consultation would be completed by mid-October, ready for a final decision in December.

34.15 Asked about gaining agreement for the change between all involved, Mr Hood reassured the meeting that he worked closely with officers and Members who were all committed to an effective service and a sustainable solution. The Joint Steering Group had been working since late 2010. After the consultation there were still further checks and balances and Ministerial 'sign-off' would be required. If a merger were to take effect from April 2013, a Shadow Authority would be formed 6 months beforehand.

34.16 Mr Hood detailed the property arrangements for the fire stations, training centres and headquarters buildings in reply to a query.

34.17 Members questioned the 'Democracy/Accountability' and 'Clarity' ratings in the comparison matrix (report, table 10 refers) asking if five stars for the full merger option and one star for 'no change' were in fact fully justifiable. The meeting was told that representation at a national level would be significantly greater because the proposed authority would be one of the largest in the country. Similarly representation at the Civil Resilience Forum would be significantly more than double. Without a merger, cuts would be needed which may affect progress on community safety because then, the main focus would be on firefighting; whereas a merger would enable more effective service provision and integrated protection and prevention measures. There would be flexibility and capacity to support the differing needs of the City and Districts and Boroughs.

34.18 Operational principles and structures, local identity with the fire stations and work in relation to community safety issues were proposed to remain unchanged. All 13 areas would have 'Commanders' to interface with Local Authorities and local people about driving down risks.

34.19 There were on-going discussions with Trades Unions and staff as there would need to be some reductions when some services such as headquarters and training functions, Human Resources, IT, legal and finance were combined.

34.20 Members wished to offer support to fire services staff living or working in Brighton & Hove who may be at risk of losing their jobs and asked that the Council's Human Resources services be extended in this way during the period of the merger.

34.21 The Commission agreed to support the proposal for a full merger, subject to the business case being finalised. This support was conditional upon the number of Members of the new merged Authority being set at 24 (report table 3.12 refers) to allow for 4 BHCC Members that would enable all Brighton & Hove political groups to be represented. In addition, any change to these governance arrangements would need agreement of all 3 Local Authorities.

34.22 On behalf of OSC the Chair Councillor Gill Mitchell thanked the senior fire officers and wished for a successful outcome.

34.23 **RESOLVED:** That subject to the number of Members of the merged Authority being set at 24 and as minuted above, the proposed merger of Fire and Rescue Services be recommended for approval.

35. STRATEGIC USE OF LAND

35.1 At the invitation of the Chair Councillor Gill Mitchell, the Head of Property and Design Angela Dymott introduced the report on the Strategic use of Land.

35.2 Tony Mernagh, Executive Director, Brighton & Hove Economic Partnership then spoke in more detail about his request for scrutiny and referred to his 8-page paper that had been circulated to Members the previous day as a response to the published report.

35.3 He said it was important that the City's land was developed wisely yet the decision taken by 17 February Cabinet on the sale of land at Patcham Court Farm represented a departure from the Local Plan. He pointed out that the site was identified as employment land in the Local Plan, emerging Core Strategy and the widened planning brief and handed out an extract from the 'Planning Policy Context' of the planning brief highlighting the words '... the Council as local planning authority would expect development proposals for B1(a) or B1(b) uses on the site. Should development proposals seek 'enabling' development in the form of alternative employment-generating uses (eg a hotel/leisure use) a sufficiently strong planning case would need to be made as part of any planning application.'

35.4 '... as a minimum there should be no net loss in employment floor space and seek to provide for at least as many jobs' was underscored.

35.5 He asked whether the land could be put to better use, how the successful bidder became successful, whether the departure could be justified in terms of the quality and quantum of jobs that would be created, and the whether Economic Development officers were involved in the sale decision.

35.6 Mr Mernagh referred to alternative options that he said would have produced 15 times the quantum and quality of jobs and been of greater economic benefit to the city. He questioned what message this sent to other potential developers intending to comply with the brief, who would have been at a disadvantage?

35.7 The Chair Councillor Gill Mitchell reminded the meeting that the decision on the sale of the land had been taken. The role of OSC was to consider if there were lessons to be learned for the future. The strategic use of land was pertinent to the current review of the Core Strategy.

35.8 Answering questions the Head of Property and Design said the bids were subjected to a rigorous evaluation with individual scoring against 8 criteria: track record; deliverability; financial appraisal; funding; planning (including adherence to the planning brief and the Local Plan) quality/innovation. A panel of 7 comprising 5 officers including a representative of the planning team had individually scored all those interviewed. In Part 2 closed session 17 February Cabinet were aware of the scores of the 5 shortlisted candidates and de Vere Hotels had the highest score.

35.9 Members felt the questions were not unreasonable but asked officers about the merits of the request for scrutiny and whether more time was needed to consider Mr Mernagh's reply.

35.10 The Principal Planning Officer Strategy Alan Buck pointed out that planning issues would be tested at a future date, at the planning application stage when Members would consider any application against the Local Plan as adopted and other material considerations and would be aware of departures. There had been other instances of significant departures, such as the Amex Stadium. The planning brief was not intended to be a full reflection of policy and carried a caveat to the effect that it is an informal advice note.

35.11 The Strategic Director Place Geoff Raw stated that under ideal circumstances development proposals would match exactly with strategic plans for the Council's property assets. He said the review of the core strategy and review of land assets was an opportunity to look again at how decisions are made. That was not to say, the decision on Patcham Court Farm was wrong; he was satisfied with the position taken.

35.12 In reply to questions, the Head of Property and Design told Members that Economic Development officers were involved in the revised development brief and marketing brief, and in previous asset sales. They were not involved in the interviews, though there was close working and informal input.

35.13 In Mr Mernagh's view, greater involvement of Economic Development was important. Clarity and transparency of decision-making was also key, so that potential developers had a clearer picture of what would be acceptable. He told the meeting in strong terms that a number of potential developers were dissatisfied.

35.14 The Chair wished to ensure that concerns were addressed in full and lessons could be learnt for future sites. Members noted the current review of the Core Strategy and the new national planning policy framework expected in December that would require Local Authorities to be more specific about employment land.

35.15 A scrutiny panel was proposed but the timescale for reporting back and the risk of duplication of existing work on the Core Strategy were reasons this was not agreed. BHEP has the opportunity to make representations on the Core Strategy during the statutory consultation process.

35.16 After discussion it was agreed that questions on the strategic use of land raised by the BHEP, and focusing on learning lessons from the process, should be sent to the Cabinet Member and replies circulated to OSC Members and BHEP.

35.17 OSC also wished to comment on the Employment section in the revision of the Core Strategy If the timetable allowed.

Economic Development

1. What is the involvement of the Economic Development team in decisions and could this be strengthened?
2. How are proposals' impacts on the local economy evaluated during decision-making?

Decision-making process

3. Can the process for achieving the best strategic use of land for the benefit of the City and its residents, be made more robust for the future?
4. Is there a more transparent way to demonstrate that alternative proposals have been properly considered?

Evidence

5. Where there are significant departures from current strategies plans and studies; should additional research be undertaken e.g. on the impact of proposals on existing provision, employment generation especially including graduate level jobs, and wider social, economic and environmental benefits to the City and National Park?

Consultation

6. Is there scope for consultation with interested parties to be improved e.g. with more time allowed for queries or responses prior to a final decision being made?

35.18 RESOLVED (1) that on behalf of OSC the Chair write to the Cabinet Member for Planning, Economic Development and Regeneration for a reply to the questions raised at 35.16.

(2) that during the revision of the Core Strategy a request be made for the Employment section to be brought to OSC if timing allowed.

36. UPDATE FROM O&S COMMITTEES - ASCHOSC

36.1 Chair of ASCHOSC Councillor Ken Norman said the committee is made up entirely of new members and had met only twice. ASCHOSC includes co-opted member from LINK .

36.2 Useful presentations from Denise D'Souza about Adult Social Care, and Jugal Sharma and Nick Hibberd about Housing issues had been heard and this would continue. Accommodation & Support for People with Learning Disabilities has also been looked at.

36.3 A workshop on community meals was being arranged

36.4 ASCHSOSC is planning to do some joint work with the Children and Young People's Overview and Scrutiny Committee (CYPOSC) later in the financial year to look at the council's approach to youth homelessness and what happens to young people leaving care in terms of housing.

36.5 The Committee had not yet received any full requests for scrutiny.

37. OSC WORK PLAN

37.1 The work plan was noted.

38. ITEMS TO GO FORWARD TO CABINET MEMBER, CABINET OR FULL COUNCIL

38.1 The proposed Fire Service merger would be considered by 22 September Cabinet.

The meeting concluded at 5.45pm

Signed

Chair

Dated this

day of

