

# **BRIGHTON & HOVE CITY COUNCIL**

## **OVERVIEW AND SCRUTINY ORGANISATION COMMITTEE**

**2 JUNE 2003 – 5.00PM**

**COMMITTEE ROOM 2/3  
BRIGHTON TOWN HALL**

### **MINUTES**

Present: Councillor Hamilton (Chair), Councillors Allen, Carden, Edmond-Smith, K. Norman, Mrs. Simson, G. Theobald (Deputy Chair), Williams, Young.

Also Present: Councillors Hazelgrove and Burgess.

Officers: Stephen Dixon (Acting Head of Leisure), Brian Foley (Standards and Complaints Manager), Abraham Ghebre-Ghiorghis (Head of Law), Judith Macho (Assistant Director, Neighbourhood Services), Valerie Pearce (Assistant Director, Customer Services), Jugal Sharma (Assistant Director, Housing), Maggie Squire (Head of Performance), Mary van Beinum (Committee Administrator), Ian Withers (Head of Internal Audit)

### **PART ONE**

#### **ACTION**

#### **1. PROCEDURAL BUSINESS**

##### **1A Declarations of Substitutes**

There were none.

##### **1B. Declarations of Interest**

Councillor Allen declared a prejudicial interest in item 3, being Deputy Chair of the Culture, Regeneration and Housing Committee and did not take part in the discussion thereon.

##### **1C. Exclusion of Press and Public**

1C.1 The Committee 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 100A(3) or 100 1 of the Local Government Act 1972.

1C.2 **RESOLVED** - That the press and public be not excluded from the

meeting during consideration of items 1 - 8.

[Note: with the agreement of the Chair, item 7 on the agenda was considered before item 6]

**2. MINUTES**

2.1 **RESOLVED** - That the minutes of the meeting held on 31 March 2003 be approved and signed by the Chair.

**3. DISCUSSION OF PERFORMANCE IN HOUSING AND CITY SUPPORT**

3.1 The Committee had before them for information Item 3A, an extract of the Quarter 3 Best Value Performance Report 2002/2003 report of the Deputy Chief Executive and Director, Corporate Services to Policy and Resources Committee, 26<sup>th</sup> March and to OSOC, 31<sup>st</sup> March (for copy see minute book).

3.2 Item 3B, Quarter 3 Complaints Update for Customer Services, Neighbourhood Services and Housing showed data produced by the Standards and Complaints Manager (for copy see minute book).

3.3 A presentation was given by the Assistant Director, Customer Services, highlighting some key indicators and targets relating to Housing and City Support (excluding Social Care) service area. (for copy see minute book)

3.4 Planning and Development Control – now within the Environment Department - was also included in the discussion because this service had been the responsibility of City Services/Housing and City Support from April 2002 – April 2003.

3.5 The Housing and City Support Department was formed in January 2003 with a wide and varied remit covering many frontline services, from adult social care, environmental health, housing management, food safety, health and safety, trading standards, to housing benefits, revenues, land charges, life events, electoral services births, deaths and marriages and cemeteries, for example.

3.6 The Best Value Performance Indicators (BVPIs) relating to 'minor' and 'other' planning applications (which represent the vast majority of all applications) dealt with by development control were very pleasing. Procedures will be streamlined under the new City Planner for further improvements.

3.7 It was particularly pleasing that these targets had been exceeded at the same time that the backlog of outstanding cases was being reduced. The new systems that were now in place were working well were considered to be sustainable.

3.8 However even though it was greatly improved, performance involving major planning applications was somewhat disappointing, due mainly to the number of huge projects being progressed at present.

3.9 Referring to BVPI 10, the Assistant Director said that extra summonses had been issued to collect more of the business rates.

3.10 It had been a difficult year for processing new Housing Benefit claims - BVPI 78a) - and the target of 28 days was widely thought to have been over-ambitious. A revised target for this year of 35 days will be more realistic and also reflects the performance of the top quartile of local authorities.

3.11 In addition, the City Council had lost 20 skilled assessors during the year to London agencies where salaries were two or three times higher. Special efforts were now in place to train and retain new recruits to the service.

3.12 The Committee asked questions on the performance report, which were answered by the Assistant Directors and the Head of Performance;

3.13 Q: Why was there no top quartile target listed for planning application achievements; was this because the council was not aspiring to reach it?

3.14 A: The Council's BVPI performance reports always include the top quartile figures if they are available. BVPI 109 is a changed indicator and the Audit Commission has not yet produced the data.

3.15 Q: Regarding BVPI 79b, why are overpayments of benefits being made and why are only half being recovered?

3.16 A: Overpayments can easily arise unless claimants notify the Council immediately of a change in circumstances. As the indicator is relatively new, a full breakdown of the information is not yet available.

3.17 Q: Why does the Council's performance against BVPIs 166a and 166b on trading standards and environmental health seem low? If the services are under-staffed what is being done?

3.18 A: These are new BVPIs which are unusual in that they are self-assessed and the score against criteria is then validated. The Council errs on the side of caution in its assessments. There is a resource issue also identified in the Health and Safety Executive audit, as raised at Policy and Resources Committee and through the budget-making process.

3.19 The team expected to achieve ratings in the top quartile of local authorities and was on target within a new four-year plan to achieve this by 2005 – 2006. The report showed there had been good improvements in BVPI 166b. A key aim was to improve documentation especially on

policies and procedures.

3.20 The Council achieved 100% in the audit by the Food Safety Agency which, unlike the Health and Safety Executive, sets specific targets.

3.21 It was agreed that the Committee would also write to express concern about resourcing of the two services, to the executive committee. **MvB/LH**

3.22 Q: Why are the costs of the planning services at BVPI 107, apparently much higher than in other unitary authorities and does the figure include only development control or all the planning-related functions?

3.23 A: There have been and still are many big planning applications in hand and also a high proportion of listed buildings and conservation areas unlike other unitary authorities such as Harlow. It would be interesting to compare with other historic cities such as Portsmouth and Bristol and this would be forwarded to Members when available. The costs refer to all planning including public inquiries and consultations. **VP/MvB/  
MR**

3.24 Q: For BVPI 8 does the Council give priority to invoices which allow discounts for timely payments? The Council could save money by doing this.

3.25 A: The Chief Finance Officer would be asked to reply to this point. **MvB/CT**

3.26 Q: What is the meaning of 'non-decent' in BVPI 184a?

3.27 A: A Decent Homes Standard was set in 2000 and local authorities homes are to meet this in stages by 2010 or earlier. The first column showing the estimated quarter three indicator for 2002/03 should read 64%, not 75%.

3.28 An imminent stock condition survey will produce more accurate figures. 'Non-decent' is a misleading term as a property can fail even though its amenities are generally adequate.

3.29 Q: For BVPI 183a, how is the target of 6 produced?

3.30 A: This is a national target set by the office of the deputy prime minister and thanks to the new initiatives undertaken by The Assistant Director, Housing, the City Council should be in the top 25% of local authorities within a matter of days. Six weeks is still a long time for the households concerned; nevertheless this is an improvement on the former figure of ten weeks.

3.31 Q: For BVPI 185, is there an appointment system set up?

3.32 A: Yes.

3.33 Q: Why is the indicator for BVPI 16b 11.10% when the target is half of that?

3.34 A: This indicator provides the context to indicators 17a and 17b. The Director of Human Resources could explain why this is. **MvB/ML**

3.35 Q: Why is data not yet available on sickness absence? This needs to be discussed as part of the scrutiny work programme. **MvB/ML**

3.36 A: Improvements are being made; figures will be available in the year-end report. There was an internal audit report last year and the district audit will report in July this year.

3.37 Q: For KDT 53, how are the nomination rights split between Brighton and Hove and Lewes?

3.38 A: 60:40 in favour of Brighton and Hove

3.39 Q: Why does LPSA 6 refer only to Hollingdean?

3.40 A: This is part of the local public service agreement (LPSA) to stretch performance targets and allow the council greater freedom and flexibility. Hollingdean was chosen in agreement with the government as a local project to help achieve progress in one particular area, towards achieving the council's overall target to bring all its homes up to the standard by 2010.

3.41 The Standards and Complaints Manager referred to the complaints data relating to Customer Services, Neighbourhood Services and Housing for the third quarter. (For copy see minute book)

3.42 Information on complaints about benefits became fully available from customer services only in September 2002 so although the graph of stage one complaints seems to show a consistent increase, in reality this is not a valid trend.

3.43 The number of complaints has to be seen in the context of the high number of transactions.

3.44 A comparison of the number of stage one and stage two complaints for benefits and for revenues (34 down to 3, and 15 down to 1, respectively) shows a low rate of escalation to stage two. The rates of escalation in these areas are comparable to the council average of 7.3%. There were particular issues within the development control service during the third quarter (11 down to 4).

3.45 The escalation rate (the % of stage one complaints pursued to stage two) for housing repairs complaints was especially low.

3.46 A stage two complaint, where taken up, will sometimes follow in the next quarter, so it is not strictly valid to compare complaints at each stage

within any one quarter. However there is a clear trend to indicate that complaints are being dealt with effectively.

3.47 Answering the question; how many people complain directly to the departments? the Standards and Complaints Manager said these complaints are not centrally logged. Using the analogy of taking goods back to a shop he said frontline officers should first have an opportunity to put a matter right. He acknowledged that potentially valuable data is lost by not keeping records of informal complaints.

3.48 The corporate complaints system was for use where there was still dissatisfaction. A new complaints leaflet is about to be produced. Copies will be distributed to Members to help bring the service to the attention of all constituents. Following a citizen's panel survey showing that only 46% of people know about the service, it was clear that more needed to be done to increase awareness, especially among minority groups. Community groups and community centres will be targeted. The leaflet will be available in libraries and all Council service points.

3.49 On behalf of the committee the Chair thanked the officers. It was particularly pleasing to note the recent achievements in Development Control; also land searches and revenues, which were now either exceeding target or expecting to meet it at the year end.

3.50 **RESOLVED:-** (1) That further information as minuted at 3.25 (early payment), 3.34 and 3.35 (declarations of disability and sickness absence) be provided to OSOC.

**MvB/CT  
/ML**

**MvB/Cllr H**

(2) That OSOC write to the Environment Committee to express concern about the resourcing of environmental health and trading standards as minuted above at 3.21 and recommend that action is considered to help improve performance in these areas.

[Note: Councillor Allen declared a prejudicial interest in item 3 and did not take part in the discussions thereon]

#### **4. CORPORATE COMPLAINTS UPDATE**

4.1 The Standards and Complaints Manager outlined the a report of the Director of Strategy and Governance regarding the Corporate Complaints Update for the year to 31<sup>st</sup> March 2003 (for copy see minute book)

4.2 There had been no cases upheld of maladministration during the year; indeed there had not been one for four years. The average time for responding to the local government ombudsman inquiries had improved greatly in recent months. (Paragraph 3.2.5 refers)

4.3 Housing and City Support services, formerly the responsibility of City Services, handled a large number of transactions and received 51 stage

two complaints during the year. Officers were trying to identify any trends to help reduce this number.

4.4 Council-wide, communication was frequently the issue of a complaint and council decisions, quality of service and staff attitude also figured quite highly.

4.5 There was evidence to show that complaints about waste services were being dealt with, since very few reached stage two.

4.6 Quality of service was the most complained about issue at stage one (70% of the total) though only 14% of stage two complaints were elicited by this issue. This indicates that service quality matters are generally being dealt with effectively. Communication is the main issue for stage two complaints.

4.7 Table 6 showing Children's Social Care stage one complaints issues had now been updated since the report was compiled; it would be reported to a future meeting.

4.8 Replying to a question about constituents reporting that the council officer they had spoken to 'would not give their name,' the Standards and Complaints Manager said that the Council's customer service standards do require officers to give a name. In cases of sensitive issues an alias may be used and in exceptional circumstances a person can be banned from communicating with the council other than in writing, for reasons of officer health and safety.

4.9 **RESOLVED:**- That the report be noted.

## **5. IMPROVEMENT PLANNING FOLLOWING THE CPA ACTION PLAN**

5.1 The Head of Performance outlined a report to Policy and Resources regarding Improvement Planning following the Comprehensive Performance Assessment (CPA) Action Plan (for copy see minute book).

5.2 The council's CPA score for overall performance was 'good,' giving rise to more freedom and flexibility. However scoring is a minor part of the assessment; the emphasis is rather on improvement planning and how to prioritise this.

5.3 In response to the CPA and informed by audit and inspection, Best Value reviews have been identified and are being reported to full Council on 30<sup>th</sup> June in the annual Best Value Performance Plan (BVPP), now called 'The Performance Plan.' Improvement Reviews are appropriate for support services which are not customer-focussed and where the full Best Value method involving wide external consultation can be unnecessarily cumbersome.

5.4 The Performance Plan will include more detail on Best Value

Reviews. The process remains unchanged; the scope and objectives of the review and improvement plan are agreed by Policy and Resources Committee (P&R) and OSOC receive the reports for information at its next available meeting. BV Reviews of grounds maintenance and leisure facilities are being reported to the June meeting of P&R and subsequently to OSOC.

5.5 In explaining the link between the CPA and the BV Reviews, the Head of Performance said that in response to each CPA recommendation some action was being taken, though not necessarily in the form of BV Reviews. Action plans or improvement reviews were more appropriate in some cases.

5.6 BV Reviews do reflect the council's improvement priorities but they cannot always be directly mapped on to the CPA process. Chief officers would be reporting on progress in implementing the action plans or outcomes of BV Reviews. The improvement reviews are not at present scheduled to be considered by Members.

5.7 The Head of Performance said that there is new guidance for the Performance Plan and for the first time the Plan, an annual plan, looks forward three years and also looks back at the previous three years. Another full CPA is not expected to be done within the next three years.

5.8 The Committee discussed the complexity of the CPA and performance monitoring and the role of OSOC regarding this. Members felt that the Committee's options needed clarification, particularly because it was the Executive Committees that had responsibility to carry out the improvements.

5.9 The Head of Performance said a development/induction session on the performance monitoring framework was being arranged for Members and details would be circulated.

**MS/MvB  
/JS**

5.10 OSOC asked to receive a summary of departmental development plans for information in future.

**MS**

5.11 **RESOLVED:-** (1) That the report be noted

(2) That a summary of Departmental Development Plans be reported to a future meeting of OSOC.

**MS/MvB**

**6. ANNUAL REPORT OF SCRUTINY, UPDATE ON CURRENT SCRUTINY REVIEWS AND DRAFT WORK PROGRAMME FOR 2003 - 2004**

6.1 The Committee considered a report of the Director, Communications and Democratic Services including the Annual Report of Scrutiny at Brighton and Hove, 2002- 2003 (copy attached), an update on current scrutiny reviews and draft work programme for OSOC 2003-2004

(copy attached).

6.2 The Committee felt that the numbers and composition of the Scrutiny Panel on Hove Centre Lettings Policies as agreed by OSOC on 31<sup>st</sup> March, needed to be reconsidered in light of the new political make-up of the council as a whole following the May elections.

6.3 OSOC wished to keep the panel number down to three Members and agreed that the Labour, Conservative and Liberal Democrat groups should be invited to nominate one Member each to serve on the Panel. This was in view of the 3-strong Panel comprising one Labour, one Conservative and one Green Party Member established to review the height of the war memorial railings.

6.4 A Scrutiny Panel chair would normally be appointed from amongst OSOC Members, however several Members present had close links with groups likely to rent the venue and the Chair would need to be appointed by the Panel.

6.5 The Head of Law advised that those involved in an organisation likely to be affected by gaining or losing through the scrutiny review may feel that they have a prejudicial interest and perhaps should not serve on the panel itself though of course they can give evidence to it if they wish.

6.6 Turning to the draft annual work programme for the committee, the meeting felt there was inadequate time at present to discuss and agree this. An informal scoping meeting would be arranged prior to next scheduled OSOC meeting on 21<sup>st</sup> July. Information on local government finance arrangements would be presented to OSOC on 21<sup>st</sup> July and Communications and Democratic Services would be the service area for scrutiny.

**MvB/  
All to note**

6.7 Members asked that Departmental capital and revenue budget figures be reported to OSOC.

**MvB/CT**

6.8 **RESOLVED:-** (1) That the Annual Report of Scrutiny be reported to full Council in July.

**MvB**

(2) That the Scrutiny Panel on Hove Centre Lettings Policies comprise three Members as agreed, one each to be nominated by the Labour, Conservative and Liberal Democrat Groups.

(3) That an informal scoping meeting of the Committee be convened before the next scheduled OSOC meeting to discuss OSOC's priorities, work programme, and overall approach to scrutiny.

**7. REQUEST FOR SCRUTINY – RAILINGS AROUND THE WAR MEMORIAL**

7.1 The Committee considered a report of the Chief Executive setting out the request for scrutiny regarding railings around the war memorial and further information from the officers. (for copy see minute book).

7.2 At the invitation of the Chair Councillor G Theobald set out the reasons for his scrutiny request. The issue of the height of the railings was first raised in 2000 and since then a number of requests from a councillor, an MP and a mayor had been made to raise the height to improve the appearance of the war memorial. A number of different reasons had been given by officers since then as to why this has not been done.

7.3 Though this may be viewed by some as a relatively small issue, many war veterans were upset and aggrieved by the lack of action to help give the area more of a sense of dignity. Councillor Theobald had a file of correspondence from interested parties and felt that war veterans should be given the opportunity to speak about their concerns and this would not be possible at an executive committee meeting. A scrutiny recommendation to committee based on evidence would carry more weight, he said.

7.4 The Acting Head of Leisure said there was no conclusive evidence that the area was being used in an inappropriate way. Raising the railing height alone would not solve any problems of access as the north side was open, so carrying out this work would not necessarily be good value for money.

7.5 No Member-level decision had been made on the matter and OSOC discussed the relative merits of establishing a scrutiny review and referring the matter for decision directly to the Environment Committee.

7.6 Following a vote the committee agreed to establish a three-Member Panel to make recommendations on the possible action to be taken with regard to the request for higher railings around the war memorial in The Steine. The Panel would comprise one representative each from the Labour, Conservative and Green Party groups.

7.7 Councillors Allen, Simson and Williams agreed to serve on the Panel, to be chaired by Councillor Allen.

7.8 **RESOLVED:-** That a scrutiny panel be established to make recommendations on possible action to be taken with regard to the request for higher railings around the war memorial in The Steine.

**MvB**

## **8. ITEMS TO GO FORWARD TO COUNCIL**

8.1 Members noted that the Scrutiny Review of the Patcham Place Pavilion Scrutiny Panel together with the response of the Executive Committee (meeting date to be advised) would be reported to the next available council meeting.

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- 8.1 **RESOLVED** – That the Annual report of scrutiny be reported to full council.

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2 JUNE 2003

## **PART TWO**

## **9. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC**

9.1 **RESOLVED** - That no items on the agenda be exempt from disclosure to the press and public.

The meeting concluded at 7.40 pm

Signed Chair

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2003

Minutes/Scrutiny/OSOC/0306t02