

BRIGHTON & HOVE CITY COUNCIL

OVERVIEW AND SCRUTINY ORGANISATION COMMITTEE

5pm – 23 FEBRUARY 2004

COMMITTEE ROOMS 2/3
BRIGHTON TOWN HALL

MINUTES

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

By invitation: Councillors Davidson, Mrs Drake, Mitchell

Also present: Dick Davey-Thomas, Operational Parking Manager; Carolyn Dwyer, Assistant Director, Sustainable Transport, Pat Foster, Assistant Director, Quality of Life & Green Spaces; Abraham Ghebre-Ghiorghis, Head of Law; Judith Macho, Assistant Director – Public Safety; Gillian Marston, Assistant Director – Cityclean; Martin Randall, Assistant Director – City Planner; Jenny Rowlands, Director of Environment; Peter Sargent, Loans & Technical Manager (Finance); Ian Withers, Head of Internal Audit.

PART ONE

ACTION

62. PROCEDURAL BUSINESS

62A Declarations of Substitutes

62.1	<u>Substitute Councillor</u>	<u>For Councillor</u>
	Councillor Brian Pidgeon	Councillor Ken Norman
	Councillor David Watkins	Councillor Dawn Davidson

62B Declarations of Interest

62.2 The Chair declared a personal and prejudicial interest in item 64 as recipient of a small pension from East Sussex County Council.

62.3 The Deputy Chair declared a personal and prejudicial interest in item 64 with an interest in the Prudential Assurance Company

62.4 Both left the room and did not participate in the discussion on item 64. Councillor Bob Carden took the chair for item 64.

62.5 Councillor Carden declared a personal and non-prejudicial

interest in item 64 as he was in receipt of a small company pension from a firm making armament components.

62.6 Councillor Joyce Edmond-Smith declared a personal and non-prejudicial interest in item 64 as a recipient of a pension from East Sussex County Council

62.7 Councillor Dawn Davidson declared a personal and prejudicial interest in item 66 as she served on the Environment Committee, 29th January 2004 when the communal bins consultation was being discussed. Councillor Davidson presented her request for scrutiny then left the room and did not take part in the determination of the scrutiny request.

63. MINUTES

63.1 Under item 61 the resolution should read 'That items 49 – 61 remain not exempt from disclosure to the press and public.'

63.2 **RESOLVED** - That subject to the above amendment the minutes of the meeting held on 23 February 2004 be approved and signed by the Chair.

64. PENSION FUND INVESTMENT

[Note: Councillor Carden in the Chair for this item]

64.1 The Committee received the report of the Chief Finance Officer which provided further information on how the ethical investment policy for the East Sussex pension fund was implemented, following a request for scrutiny by Councillors Bill Randall and Keith Taylor considered at the January meeting of the committee. (For copy see minute book).

64.2 The Chair of the Committee welcomed Councillor Mrs. Drake, one of two Brighton and Hove City Council Members who serve on the East Sussex Pension Fund Investment Panel.

64.3 Councillor Mrs Drake said she and Councillor Bodfish were appointed to the Pension Fund Investment Panel as trustees of the employees' pension fund. The Panel Members had 'due diligence' responsibilities with the help of investment advisers to oversee the fund and to obtain best value. Ethical issues were taken seriously and considered in the annual review of the fund's statement of investment principles and steps were taken as far as possible to promote a preference for ethical investments. Market pressures tended to reinforce the views of investors and social responsibility was a key issue.

64.4 However the issues were complex; for example a

conglomerate with an 'ethical' appearance may not always invest as ethically as would be liked, and 'green funds' would not necessarily provide the return that pensioners needed. In addition, costs were attached to switching investments.

64.5 The committee considered the role of active shareholders in advancing ethical causes, the trustee status and influence of the Members on the East Sussex Pension Fund Investment Panel, and the possible benefits and resource implications of a scrutiny review.

64.6 Following a vote OSOC agreed not to scrutinise the pension fund investment policy.

64.7 **RESOLVED** – That the Committee would not scrutinise the pension fund investments.

[Note: Councillor Hamilton and Council G Theobald declared personal and prejudicial interests in item 64, respectively being in receipt of a small company pension from East Sussex County Council and holding an interest in the Prudential Assurance Company. They left the room and did not take part in the discussion on this item. Councillor Carden declared a personal and non-prejudicial interest as he was in receipt of a small company pension from a firm making armament components.]

65. PERFORMANCE MONITORING : ENVIRONMENT

65 A) QUARTER 2 BEST VALUE PERFORMANCE REPORT 2003/2004 EXTRACT: ENVIRONMENT

65 B) CORPORATE COMPLAINTS UPDATE EXTRACT: ENVIRONMENT

65.1 The Committee Director discussed performance with the Director of Environment and the Chair of the Environment Committee.

65.2 The Director, Environment and Chair of the Environment Committee gave a presentation on the achievements and current challenges on the wide variety of work within the Environment Department, referring to the reports on performance and complaints. (For copy see minute book.)

65.3 The Director outlined the changes to the Environment Department which now included the common themes of physical environment and community, public health and safety and quality of life, and a raising of the general profile of community planning.

65.4 There had been improvements in performance in the planning department, especially the turnaround of planning applications. Work was in hand to improve performance against PI188 (Number of

planning applications delegated to officers as a percentage of all decisions)

65.5 More was needed to be done to reduce traffic congestion to improve air quality. Reduction in numbers of serious road accidents was well on target; effective use was being made of the Local Plan budget; there had been much progress in reducing and dealing with waste together with an improvement in street cleanliness and measures to properly contain trade and domestic waste.

65.6 There were further challenges to meet recycling targets in future- this would need further investment. Much had been achieved in public safety and there was now a larger enforcement team and closer working with the Police. Violent crime was on target but still had to be tackled more. Domestic burglaries were not reducing as fast as hoped.

65.7 Seafront and outdoor activities and sports had now been brought together within the one Department, and Sports and Parks Strategies were being taken forward.

65.8 The Assistant Directors each gave more details on sustainable transport, city planning, parks and open spaces, Cityclean and public safety respectively. (For copy of presentation see minute book)

65.9 Discussions centred on vehicle crime, road tax evasion, abandoned vehicles, roadworks and roads maintenance. Replying to a question the Director said a road construction timetable was to be brought to the Environment Committee to programme for minimal disruption. Disruption could be certain urgent work by utilities companies and by bad weather. A new permit system will allow local authorities greater control over the construction schedule in future.

65.10 The Chair, Environment Committee told the meeting that to help reduce road tax evasion a programme of action days had been agreed with the Driver and Vehicle Licensing Authority (DVLA). Members asked that ward councillors be notified of the programme and be given an opportunity to provide advance information on any particular areas or vehicles of concern.

MvB/CD

65.11 The City Planner said since he spoke to the Committee in November a new culture had been developing within the planning services, with better internal communications and improved performance. Work was being done to improve performance as regards major development proposals; the aim was to remove the need for monitoring altogether by the Office of the Deputy Prime Minister in future. Changes to the scheme of delegation were under way to meet the target and improve the efficiency of the Planning

Applications Sub-Committee.

65.12 Changes in the performance indicators from quantitative to more qualitative targets – such as offering all applicants e-mail services and access to specialist advice - would provide future challenges. Asked about planning enforcement the City Planner said this would be the first area to introduce 'e-planning' and local performance indicators on enforcement were being considered.

65.13 The Assistant Director Quality of Life and Green Spaces outlined current work on the Parks and Open Spaces Strategy, including the Parks Strategy and recent awards for local parks, re-launch of the Open Spaces Forum which now included elected members, the improved standard of public toilets, and possible plans for further nature reserves.

65.14 The Assistant Director, Cityclean referred to the work being undertaken since the Best Value Review of Waste Management and the Comprehensive Performance Assessment. Recycling of household waste was above the national average and expected to reach 17% by the year end. However there was still a long way to go; this percentage was to increase to 30% by 2005/2006. The extended multi-material kerbside collection scheme now covered 66% of households in the city.

65.15 The costs of refuse collection had been reduced but there would be more pressure on overall costs of waste management as more recycling was introduced. A trial of wheelie bins was being planned for Rottingdean; if successful it was hoped the communal bins trial in the central areas of the city would be extended to other areas.

65.16 The Assistant Director Public Safety discussed the Community Safety Strategy and said there was a difficulty in obtaining certain data from the Police to develop the performance information. However despite an increase in the number of licensed premises there had been a 9% reduction in violent crime in the period between April and September compared with the previous year. Homophobic incidents had decreased; the detection rate was now approximately 28% and this is monitored by regular reports to the Community Safety Forum. 'Under age' test purchasing was being done in the City and the 'Night Safe' radio network was now in operation. Information exchange between the council and police, fire and ambulance services was being improved.

65.17 The Committee asked questions on planning enforcement, recycling of waste at large events, toilets in Queens Park, the Parks Strategy, Sports Strategy and dedicated sports officer, the capacity for major projects planning, and complaints about uncollected

rubbish.

65.18 The Committee asked if action could be taken regarding damage to Hove Lawns apparently caused by over-use by studded football boots

MvB/PF

[Note: since the meeting the Assistant Director reported that areas are being re-seeded and fertiliser applied to help improve the lawns this summer.]

65.19 Members thanked the Chair, Environment Committee and the officers, and congratulated the Environment Department especially the development control officers and Cityclean.

65.20 **RESOLVED** – That the reports and presentation be noted.

65. C) NEW CONTRACTUAL ARRANGEMENTS

65.11 The Committee received the report of the Deputy Chief Executive and Director of Corporate Services advising Members on the outcome of the tendering process for those services currently provided under the Ecovert/EML Contract. (for copy see minute book).

RESOLVED – The Committee noted the report.

66. REQUEST FOR SCRUTINY; CONSULTATION OF TRIALS OF COMMUNAL BINS

66.1 At the invitation of the Chair Councillor Dawn Davidson told the meeting why she was requesting scrutiny of the consultation on the trial of communal rubbish bins. The Committee received a report from the Director of Environment setting out initial officer comments on the request and the criteria for determining scrutiny requests (for copies see minute book).

66.2 Councillor Davidson said she was concerned about the handling of the consultation prior to the introduction of the trial of communal bins in three wards of the city. She said there had been no public discussion as to how the trial would be implemented or managed; there had been only an announcement that a trial would be conducted, and this was before ward councillors were notified.

66.3 Councillor Davidson said she had received more than 175 complaints from residents – citing a range of concerns – and she felt that ward councillors should have been fore-warned about the consultation. Councillor Davidson was not asking for scrutiny of the bin scheme itself but of the adequacy or otherwise of the consultation leading up to the trial and she felt that her scrutiny

request fitted the criteria well. The benefits of scrutiny would include a more inclusive and consultative process for future schemes, she said.

66.4 The Chair of the Environment Committee explained the consultation process used before the bins were put in place. Councillor Mitchell said ward councillors were invited to visit Cityclean before information leaflets were distributed. The leaflets were mailed to residents using the Royal Mail database; in future the council tax mailing database would be used. Further leaflets were distributed on request, officers met ward councillors and residents needing an assisted service were visited individually before the bins were put in place. The number of lost car parking spaces was also reduced from 133 to 47 through further consultation. More consultation with residents on the use of the scheme was scheduled in six months' time and a scrutiny review was unnecessary, she said.

66.5 The Director, Environment said this was a significant change in the service. The trial was introduced following the Best Value Review of Waste Management and the identification of black bags as an issue of concern by an independent inspector in the Comprehensive Performance Assessment 'gap analysis.' Containment was the only way to reduce the problem of split black sacks. Management information on the history of the waste collection service, used as a basis for the trials, had been a good starting point. The council was committed to working with residents to make sure the scheme works for them.

66.6 Consultation before the bins were introduced would have been based only on theoretical views; independent validation of the scheme was now planned using the Encams scoring system and assessments of the impacts for example on street cleanliness, by managers and a representative cross-section of residents. It was hoped to continue with the pilot if the initial phase was successful. Lessons had been learned for the future and there would be greater involvement of ward councillors.

66.7 The Committee discussed schemes elsewhere such as Edinburgh and Barcelona, and the importance of involving councillors and 'hands-on' engagement on difficult consultation issues. Members considered the benefits a scrutiny review and following a vote agreed to establish a 3-Member panel.

66.8 **RESOLVED** – That OSOC establish a scrutiny review of the consultation process that was used prior to the introduction of communal bins in three wards of the City. The trial itself was not to be subject to scrutiny.

The three-Member Scrutiny panel would comprise Councillors Jan

Young (Chair), Joyce Edmond-Smith and Dee Simson who would make recommendations on improvements, if any, to the consultation process to be implemented for any similar subsequent schemes or trials in these wards or elsewhere in the City.

All councillors whose wards are included in the current trial would be invited to participate in the scrutiny review and the panel would aim to work without delay and report back to OSOC within a timescale to allow its recommendations to be taken into account in future consultations.

67. QUESTIONS ON STREET PARKING

67.1 The Committee considered the report of the Director, Communications and Democratic Services replying to queries on parking following the OSOC meeting on 19th January (for copy see minute book).

67.2 Members felt there was some confusion as to the involvement of councillors in queries about on-street parking.

67.3 The Assistant Director Sustainable Transport referred to the information circulated to the Committee on:

The Blue Badge Scheme

Guidance Notes for Councillors on Lobbying

'I've received a Penalty charge Notice – What should I do now?'

67.4 The Assistant Director told the meeting that enforcement of decriminalised parking was a non-discretionary judicial process run by the council; the council could not elect to let someone off a fine. It was appropriate for a councillor to help someone to understand the enforcement process. However help of that kind was different from making personal representations on behalf of residents. The team was sympathetic and helpful; and contact details were well publicised.

67.5 **RESOLVED** – That the report be noted

68. AUDIT COMMISSION ANNUAL AUDIT LETTER

68.1 The Committee received the report of the Deputy Chief Executive and Director, Corporate Services on the result of the 2003 CPA score for the City Council and the District Audit's Annual Audit and Inspection Letter (for copy see minute book).

68.2 The Chair welcomed Darren Wells, District Auditor and

Relationship Manager for the Audit Commission and his colleague Simon Mathers, who set out the roles of the District Audit and Audit Commission.

68.3 The District Auditor said he could understand the council's frustration with its drop in overall CPA score from 'good' to 'fair' when the annual letter was very positive. This had been caused by the relative CPA weightings in the areas of 'housing' and 'use of resources.' Asked about the value of the assessment the District Auditor said the CPA was important and useful in highlighting critical improvement areas.

68.4 Members referred to the need for a more structured approach to partnership working; also to 'management of sickness absence' in the annual letter and asked that improvements in information on sickness absence be implemented as soon as possible.

MvB/ML

68.5 Some members felt that indicators on sustainability in local government needed to be incorporated in the CPA process and heard that the Audit Commission was currently consulting on the development of CPA including on areas such as regeneration, and inter-linking housing and social services and transport and environment.

68.6 **RESOLVED** – That the report be noted.

69. MONTH 9 BUDGET FORECAST – REPORT TO POLICY AND RESOURCES COMMITTEE - 11 FEBRUARY 2004

69.1 The Committee received the report of the Chief Finance Officer to the 11 February 2004 Policy and Resources Committee, which informs members of the Quarterly forecast for the general fund and housing revenue account budgets adjusted for Month 9 data. (for copy see minute book).

69.2 The Committee noted the reduction in variance between M7 and M9 and hoped it would decrease further. In paragraph 3.4 Table 2, the income forecast column needed to be double-checked.

MvB/CV

69.3 Members asked for a finance officer to attend the next meeting of the Committee and for the quarterly capital budget update report to be presented.

MvB/CV

69.4 **RESOLVED** – That the report be noted

70. PROGRESS ON CURRENT SCRUTINY REVIEWS

70.1 The Committee received the Update on Current Scrutiny Reviews by the Director, Communications and Democratic Services

(for copy see minute book) and noted that the Chair of the Health Overview and Scrutiny Panel Councillor Jayne Bennett had been invited to give information on developments in health scrutiny at the next OSOC meeting, 29th March.

70.2 **RESOLVED** – That the report be noted.

71. ITEMS TO GO FORWARD TO COUNCIL

71.1 There were no items to go forward to council.

72. ITEMS SCHEDULED FOR NEXT MEETING – 29 MARCH 2004

Performance Monitoring : Corporate Services.

Finance and Budget Scrutiny.

Annual Internal Audit Plan 2004./2005.

Implementation of the Best Value improvement plan of Economic Development.

Implementation of the Best Value improvement plan of Appearance.

Update on Health Scrutiny with Chair, HOSP.

Patcham Place Pavilion progress report.

War Memorial Railings; reply to the scrutiny recommendations

PART TWO

73. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC

73.1 **RESOLVED** - That items 62 - 73 remain not exempt from disclosure to the press and public.

The meeting concluded at 8 pm

Signed

Chair

Dated this

day of

2004