

BRIGHTON & HOVE CITY COUNCIL

OVERVIEW AND SCRUTINY ORGANISATION COMMITTEE

5.00PM – 15 NOVEMBER 2004

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Hamilton (Chair); Councillors Allen, Carden, Edmond-Smith, Giebelier, Mallender, Meegan, Simson, G Theobald (Deputy Chair) and Young.

In attendance: Councillor Mitchell

PART ONE

ACTION

25. PROCEDURAL BUSINESS

25A. Declarations of Substitutes

25.1 Substitute Councillor For Councillor

None

25B. Declarations of Interest

25.2 Councillor Theobald declared a personal and prejudicial interest in Item 27(d) as Vice President of the Brighton and Hove Cricket Club.

25C. Exclusion of Press and Public

25.3 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.

25.4 **RESOLVED** - That the press and public be excluded from the meeting during consideration of item 36.

26. MINUTES

26.1 **RESOLVED** - That the minutes of the meeting held on 13

September 2004 be approved and signed by the Chair subject to the following amendment:

(a) Councillor Davidson was a member of the Environment Committee that made the original decision and not a member of the Scrutiny Panel.

(b) The Chair reported that in relation to 19.2 (2) concerning overview and scrutiny arrangements, he had written to the Chief Executive about the disappointment in relation to the delay in the appointment of a Scrutiny Support Officer. He informed the Committee that an officer would be starting work on a job share basis on 13 December 2004 and would be reporting to the Director of Strategy and Governance. The responsibility for the Health Scrutiny Panel will remain with Cultural Services and a further report will be submitted to the Committee in January 2005.

27. PERFORMANCE MONITORING : ENVIRONMENT

27.1 (a) The Committee was informed by the Chair of the Environment Committee that the Directorate was focussing on the issues that are key to local people. These included the provision of wheelie-bins; communal bins; recycling; transport; parking for residents and visitors; bus use and sustainability; bringing city parks in house; the sports strategy; and many others.

27.2 The Committee asked a number of questions about a variety of issues and the Chair of the Committee and the Director of Environment provided answers.

27.3 **RESOLVED** – That the position be noted.

27.4 (b) The Committee considered an extract from Quarter 1 Best Value Performance Report 2004/05 for Environment (see minute book).

27.5 **RESOLVED** - That the report be noted.

27.6 (c) The Committee considered a report of the Director of Strategy and Governance providing a summary of Corporate Complaints about Environment for quarters 1 and 2 of 2004/05 (see minute book).

27.7 **RESOLVED** – That the position be noted.

27.8 (d) The Committee considered a report of the Director of Cultural Services concerning the Executive response to the eleven recommendations made by the Patcham Place Pavilion Scrutiny Panel approved by Council on 25 September 2003 (see minute book).

27.9 The Committee noted that recommendation 8 as set out in paragraph 3.3 was quite specific and that the Executive response did instruct officers to bid for an allocation of funding through all appropriate internal sources in order to support the Patcham Place Panel recommendation 8.

27.10 The Committee noted that a bid had been made for Private Finance Initiative (PFI) but this had been unsuccessful. The Head of Law advised the Committee that as a bid had been made the requirements of paragraph 3.2 of the report had been met. The Committee expressed concerns that provision had not been made in the Capital Programme.

27.11 The Committee also expressed concern that there was no expressed percentage for sports provision as there was for arts provision in planning policies. The Committee was informed that the sports strategy was currently the subject of a consultation exercise after which the results would be reported to the next Environment Committee.

27.12 The Committee went on to discuss the playing pitch strategy which would follow on from the draft Sports Strategy. Reference was made to an earlier, draft playing pitch strategy. The early draft had included a reduction in football being played at the Nevill sports ground. The purpose of the reduction would be the improvement of the playing surface for cricket. In practice, two pitches had been withdrawn from football play at the beginning of December. This does not meet the request of Brighton & Hove Cricket Club that four pitches be removed from play. It has not been possible to bring into use additional pitches at other locations to accommodate the number of matches being played.

27.13 The Committee was informed that although junior pitches would not cause so much damage as senior pitches, the number of matches was much greater. Most of the correspondence was in relation to the Nevill ground and it was noted that the provision of 2 football pitches at Patcham Place would relieve the situation at the Nevill Ground.

27.14 The Committee noted that this issue would be considered as part of the consultation on the sports strategy that would be raised at the next meeting of the Environment Committee.

27.15 **RESOLVED** – That the position be noted.

NB Councillor Theobald declared a personal and prejudicial interest in the part of the report that referred to the Nevill Ground and left the meeting whilst the item was discussed.

28(a). PROGRESS ON CURRENT SCRUTINY REVIEWS AND UPDATE FROM

EOSP AND HOSP

28.1 The Committee considered a report of the Director of Cultural Services detailing the progress made on current scrutiny reviews and updating Members on developments in the scrutiny function including Education and Health Overview and Scrutiny Panels and replies to scrutiny recommendations from the executive committees (see minute book).

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

28(b). EXECUTIVE RESPONSE TO BINS CONSULTATION SCRUTINY PANEL'S RECOMMENDATIONS

28.3 The Committee considered a report of the Director of Environment detailing the findings of the Committee's review of the process of consultation on the communal bin trial and the response to those findings (see minute book).

28.4 **RESOLVED** – That the report and the recommendations accepted by the Environment Committee be noted.

29. MINUTES OF LAST MEETING OF HOSP

29.1 The Committee considered the minutes of the Health Overview and Scrutiny Panel meeting held on 19 October 2004 (see minute book).

29.2 **RESOLVED** – (1) That the minutes be noted.

(2) That the Policy and Resources Committee be recommended to approve the appointment of a representative of the Sussex Ambulance Trust to become a co-opted member of the Health Overview and Scrutiny Panel.

30. MINUTES OF LAST MEETING OF EOSP

30.1 The Committee considered the minutes of the Education Overview and Scrutiny Panel meeting held on 5 October 2004 (see minute book).

30.2 **RESOLVED** – That the minutes be noted.

31. REPORT OF THE PROCUREMENT PANEL

31.1 The Committee considered a report of the Procurement Panel concerning the making of recommendations on how to achieve a genuinely corporate approach to strategic procurement, to produce improvements in quality and cost (see minute book).

31.2 The Chair of the Panel wished to place on record her thanks to

the Panel members and also Mary van Beinum and Lisa Johnson that support for the Panel and helped to draft the report.

31.3 **RESOLVED** - That the report be approved and submitted to the Policy and Resources Committee for consideration and response.

32. SCRUTINY PROTOCOL

32.1 The Committee considered a report of the Director of Cultural Services seeking their views with regard to the establishment of a working Protocol for future scrutiny reviews, which would compliment the Standing Orders contained in the Council's Constitution governing such reviews (see minute book).

32.2 **RESOLVED** – (1) That the working protocol on scrutiny reviews be amended to provide for the disqualification of any member or signatory to a request for a scrutiny review from sitting any subsequent review.

(2) That a report be submitted to the next meeting of the Committee on the working protocol.

33. eb4U : NOTICE OF MOTION

33.1 The Committee considered the Notice of Motion that was agreed at the Policy and Resources Committee as follows:

'This Council notes the Government's £47 million commitment to tackling multiple deprivation in East Brighton through its New Deal for Communities (NDC) scheme – eb4U. Furthermore, this Council applauds the hard work and commitment of all those involved in eb4u, which has led to some significant quality of life improvements as the scheme approaches its halfway point.

However, this Council holds concerns about how effectively parts of this money are being spent and how this could impact on the ability of eb4U to meet the challenging targets for community improvement which have been set. In particular:

- The recent Employment Tribunal relating to an alleged case of unfair dismissal brought by a 'whistleblower' from a project funded by eb4U. Whilst the Tribunal did not uphold the claim, it did endorse the employee's allegations that there were defective financial and management controls operating within eb4U. The report of the Employment Tribunal bears this out stating that: "there is a great deal of evidence which justifies a lack of confidence in the way this project (ICT Co-ordinator Project) was administered."
- An independent evaluation of the national NDC scheme in October 2003, by Professor Paul Lawless of Sheffield Hallam University, highlighted 'teething problems' experienced by many of the 39 schemes. These included: concerns over project management; high staff turnover; tensions between different localities in the NDC areas; a failure to engage black and minority ethnic groups; reductions in mainstream funding as a result of NDC activity.

Policy and Resources Committee therefore respectfully requests the Council's Overview and Scrutiny Organisation Committee, at its meeting, to establish a Scrutiny Panel to:-

- i) consider the approaches that eb4U have taken to project and financial management and what success they have had to date in achievement against their targets and
- ii) draw out useful lessons that can be learnt from a range of recent national NDC evaluation work and
- iii) consider how the Council has discharged its responsibilities as 'accountable body' for the NDC scheme and
- iv) consider the relationship between eb4U and the City Council to date at both a strategic and project level from a member and officer perspective and

to make recommendations to the City Council (and where relevant to eb4U) to maximise the opportunities that exist for the regeneration of East Brighton via New Deal for Communities over the remaining 5 years of the scheme to ensure full public confidence in the on going eb4U programme.

33.2 The Committee noted that the request had received cross party support and therefore a review could be established. However, the Committee would need to consider the scope of the review in the light of an investigation recently completed by the Internal Audit Team and the conclusions of the investigation.

33.3 **RESOLVED** - (1) That a scrutiny review be established in principle to look at the issues raised in the Notice of Motion.

(2) That the Panel comprise 6 members including 2 members from the

Labour and Conservative Groups and 1 each from the Greens and Liberal Democrat Groups (If either do not wish to appoint the panel will comprise 5 members).

(3) That the Group Secretaries advise the Head of Democratic Services the names of their nominees.

(4) That the Panel agrees its own Chair from amongst its members.

(5) That a scoping report be submitted to the next meeting of the Scrutiny Panel covering the issues to be considered along with the conclusions of the Internal Audit Report together with the Terms of Reference.

34. REQUEST FOR SCRUTINY: ENFORCEMENT ACTION – 7 RIDGESIDE AVENUE, PATCHAM, BRIGHTON

34.1 The Committee considered a letter from Councillor G Theobald requesting scrutiny (see minute book) together with a joint report of the Director of Cultural Services and the Director of Environment setting out the scrutiny request with initial officer comments on the matters raised and the criteria for determining scrutiny requests (see minute book).

34.2 In relation to the request the Head of Law suggested that as an inspection was being carried out on 16 November 2004 and that if there was a breach of planning legislation an enforcement notice would be issued. Bearing in mind that scrutiny was not intended to review individual cases he felt that it would not be appropriate in this case.

34.3 Members of the Committee indicated that they had come across similar examples and felt that maybe these indicated issues to do with the process. The Committee was informed that the process involved statutory time periods and that it was not always straightforward.

34.4 **RESOLVED** – That a report be submitted to the next meeting concerning the enforcement process.

35. ITEMS TO GO FORWARD TO COUNCIL

35.1 **RESOLVED** - That no items be referred to the Council.

PART 2

**36. INTERNAL AUDIT HALF YEAR PROGRESS REPORT 2004/05 – EXEMPT
CATEGORIES 1, 4, 7 AND 14**

36.1 The Committee considered a report from Internal Audit on the half-year progress report for 2004/05 (see minute book).

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

37. EXCLUSION OF PRESS AND PUBLIC

37.1 **RESOLVED** – That item 36 remain exempt from disclosure to the press and public.

The meeting concluded at 8pm.

Signed

Chair

Dated this

day of

2005