

BRIGHTON & HOVE CITY COUNCIL

OVERVIEW AND SCRUTINY ORGANISATION COMMITTEE

5.00PM – 19 SEPTEMBER 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Watkins (Chair), Councillors Allen, Edmond-Smith, Giebeler, Hamilton, McCaffery, Pennington, Simson, G Theobald (Deputy Chair) and Young.

Also Present: Councillor Pat Hawkes, Chair, Children Families and Schools Committee.

PART ONE

ACTION

23. PROCEDURAL BUSINESS

23A. Declarations of Substitutes

23.1 There were none.

23B. Declarations of Interest

23.2 Councillor McCaffery reminded the meeting that regarding item 27, the 'overview' session for CfS, she was Deputy Chair of the Children Families and Schools Committee. Councillor Pennington declared a personal and non-prejudicial interest in item 30, request for scrutiny, as personal referee to the former flower seller at Norfolk Square.

23C. Exclusion of Press and Public

23.3 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.

23.4 **RESOLVED** - That the press and public be excluded from the

meeting during consideration of item 34.

24. MINUTES

24.1 **RESOLVED** – (1) That as suggested the committee wished to invite Trades Union views on employee sickness absence to OSOC in about six months' time (Minute 14.16 refers)

MvB

(2) That the Part 1 minutes of the meeting held on 18 July 2005 be approved and signed by the Chair.

25. PUBLIC QUESTIONS

25.1 There were none.

26. FORWARD PLAN: OSOC MONDAY 14TH NOVEMBER 2005

26.1 **Overview:** Housing and City Support: Members asked for more details of the operation of the choice-based lettings scheme now it is well under way; including on how priority cases are determined and handled.

MvB/JS

Annual Report – Older People's Council

MvB/PM

Update on Scrutiny Reviews

MvB/JH

27 OVERVIEW/PERFORMANCE MONITORING: CHILDREN FAMILIES AND SCHOOLS

27A – QUARTERLY PERFORMANCE REPORT FOR CHILDREN FAMILIES AND SCHOOLS;

27.1 Councillor Pat Hawkes, Chair of the Children Families and Schools Committee presented information and a briefing note and answered detailed questions on the Performance Indicators, school buses, bus passes for former Comart students, the use goods from Comart after its closure and statements of special educational needs. (see minute book)

27.2 Members discussed details of bus and walking routes to school, and the options for recycling and reusing equipment from the former Comart such as old curriculum books, SEN equipment for primary and secondary pupils.

27.3 The Performance Manager said an early draft of the CFS performance Indicators had included transposed figures; the final version circulated with the agenda were correct.

27.4 Councillor Hawkes said Brighton & Hove had one of the largest numbers of looked after children nationally. The BVPI 49 descriptor

definition 'three or more placements during the year' was unhelpful and was likely to change. For example it discredited an authority for arranging a 'move' to adoption when the alternative was to keep a child in care.

27.5 Councillor McCaffery said she Councillor Hawkes and Councillor Mrs Brown were kept updated monthly on looked after children. It was not clear why Brighton and Hove had a relatively high number of children taken into care. It was not done unnecessarily; some children exhibited totally extreme behaviour. The Committee discussed the importance of the matter; the considerable responsibilities of the council, the high costs, the need for more local placements for children, and the work stress for social workers looking after children taken into care.

27.6 Members asked whether there were any patterns for children who have more than three placements in a year; for example did the majority have four placements? Were trends identifiable for particular children, families or types of problems? Members asked for more information to a future meeting.

MvB

27.7 Asked about BVPI 43, Special Educational Needs statements, Councillor Hawkes said the council was working closely with the health authorities to expedite the issue of SEN statements and meet the performance targets. The Children's Trust would enable more control by the council and better services to be commissioned enabling children to be diagnosed earlier.

27.8 Councillor Allen as Chair of the Health Overview and Scrutiny Panel said HOSP would be asking questions of the health organisations about SEN and children's mental health services.

27.9 **RESOLVED** – (1) that further information on looked after children be provided to a future meeting.

MvB

(2) That the report and briefing note be noted.

27B – CORPORATE COMPLAINTS UPDATE FOR CHILDREN FAMILIES AND SCHOOLS.

27.10 The Committee considered a report of the Director of Strategy and Governance on the complaints received about Children Families and Schools during quarter 1 of 2005/2006. (See minute book)

27.11 The Standards and Complaints Manager said the drop in numbers of stage two complaints was a good indication of the positive response by officers at stage 1 and that complaints were being used as a learning opportunity. There was a focus on

encouraging young people to complain.

27.12 Councillor Hawkes said young people were increasingly able to make their own decisions and it was a challenge for the council to listen sufficiently to young people, especially those who are less articulate. This was a national issue.

27.13 The Committee were pleased at the reduction in CFS complaints taken to stage two.

27.14 **RESOLVED** – that the report be noted.

28. EMPLOYEE SICKNESS ABSENCE

28.1 The Committee considered a report of the Director, Human Resources providing following questions raised at the committee on 18th July. (see minute book).

28.2 Asked whether the total expenditure on employment agency staff due to staff sickness was known, the Director of Human Resources said managers were not asked to record reasons for employing agency staff. Children's social care services used agency staff because of the high level of vacant posts; work was in hand to address this. The data on Children Families and Schools sickness absence included school staff.

(Note: Human Resources is leading a tendering process to appoint a single 'neutral vendor' for the supply of agency staff to the council, which will produce significant savings. Part of the format for managers to request agency staff will include specifying the reason, so this information will be available in future.)

28.3 Councillor Edmond-Smith said inspectors would be assessing the council against the Health and Safety Commissions Management Standards. Councillor Young said an improved Occupational Health service would help reduce expenditure on agency staff covering for council staff ill-health.

28.4 Members discussed the importance of managers' roles in helping reduce sickness absence levels and asked whether long hours was a possible factor leading to high proportions of long-term absence. The Director said where long hours were worked, they were taken back within the flexi-time scheme. This did not apply to senior officers.

28.5 Councillor Allen said HOSP would ask the health organisations for details of staff sickness; school and education staff matters should be referred to the Education Overview and Scrutiny Panel, EOSP.

28.6 The Committee asked for six-monthly updates on sickness absence and a progress report to the 6th March OSOC meeting, to which union views on staff sickness absence would also be invited.

28.7 **RESOLVED** – (1) that further information including from the trades unions be reported to 6th March committee meeting.

MvB/ML

(2) That the report be noted.

29. PROCUREMENT UPDATE

29.1 The Head of Procurement presented a report updating Members on the progress made in the implementation of the recommendations from the Scrutiny Review of Procurement completed in September 2004. (See minute book)

29.2 The sustainability Code of Practice had now been awarded the Green Apple environmental award. The financial management system was now finalised. A meeting with the local Hub 100 companies was planned for November. A new sustainability initiative was being launched in January and further work was in progress with the regional Centre of Excellence.

29.3 Councillor Edmond-Smith, Chair of the former Procurement scrutiny panel praised the report and the work of the Procurement Team. The procurement strategy was far ahead of other local authorities.

29.4 An introductory Member training module was planned for 22nd September.

29.5 **RESOLVED** – that the report be welcomed.

30. REQUEST FOR SCRUTINY: TENDERING PROCEDURES FOR SMALL LEASES.

30.1 The Committee considered the report of the Director, Strategy and Governance concerning the request for scrutiny submitted by Councillor Pennington on the tendering procedures for small leases. (See minute book)

30.2 Councillor Pennington outlined the reasons for his request.

30.3 Members referred to a number of small leases and concessions, many of which were within parks and open spaces where there could be considerable social implications for small traders. The tendering process for small leases should be as transparent and open as possible. The social dimension was very important in certain areas. However the criteria for various social benefits expected from the lessee would be difficult to assess.

30.4 The Estates Manager said that in the example that prompted the scrutiny request, the flower-seller in Norfolk Square, the aim was to have a presence on site as soon as possible with a view to resolving tenancy issues in due course. When tenders were later invited it may have been preferable to invite 'offers in excess of(a certain sum).' Close working with the Community Safety Team could help develop a policy for letting small concessions which included a social element within the legal/financial framework.

30.5 Councillor Pennington said the type and standard of social benefits expected from the operator ought to be clearly set out at the start of the letting process; for example as in paragraph 5.5 of the report.

30.6 **RESOLVED** – that a further report be presented to OSOC on 14th November.

RB/MvB

[N.B. Councillor Pennington declared a personal and non-prejudicial interest in item 30, as personal referee to the former flower seller at Norfolk Square.]

31. REQUEST FOR SCRUTINY: MOBILE PHONE MASTS.

31.1 The Committee considered the report of the Director, Strategy and Governance concerning the request for scrutiny submitted by Councillor Pennington on mobile phone masts. (See minute book)

31.2 Councillor Pennington outlined the reasons for his request which he had submitted to the Health Overview and Scrutiny Panel in December 2004. He said that applications for telecomms masts should not all be turned down if they complied with agreed council policy and steps should be taken to allay public concerns about the possible risks to health.

31.3 Members discussed the available local and national research on the potential health risks of mobile phone masts including the Stewart report and a summary from the Director of Public Health, Dr Tom Scanlon.

31.4 The meeting heard that forthcoming legislation was expected to help to swing the balance at the planning stage less in favour of phone mast applicants.

31.5 The possible outcomes of a scrutiny activity were considered. It was felt that a way forward would be needed as operators were continuing to apply; however Members were unsure in what way a scrutiny review would be beneficial. The Committee asked for an update on the legal framework for determining applications for masts, when available, to a future OSOC meeting.

31.6 **RESOLVED** – that the committee be informed of changes to the national framework for the determination of phone mast applications.

RB/MvB

32. DEVELOPMENT OF SCRUTINY AND UPDATE ON CURRENT SCRUTINY REVIEWS

32.1 The committee considered the report of the Director, Strategy and Governance on the progress made on current scrutiny reviews, and update Members on developments in the scrutiny function including the Education and Health Overview and Scrutiny Panels. (See minute book)

32.2 The Chair said the request for scrutiny of old people's wards following a Panorama programme had been withdrawn. HOSP would continue to maintain an overview.

32.3 Members were reminded that there was to be a training session on Friday morning, 7 October.

32.4 **RESOLVED** – that the report be noted.

PART TWO

33. MINUTES OF THE MEETING HELD ON 18TH JULY (PART 2)

33.1 **RESOLVED** - That the Part 2 minutes of the meeting held on 18 July 2005 be approved and signed by the Chair.

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

34.1 **RESOLVED** - That item 33 remain exempt from disclosure to the press and public.

35. ITEMS TO GO FORWARD TO COUNCIL

35.1 There were none.

The meeting concluded at 7.45 pm

Signed

Chair

Dated this

day of

2005