BRIGHTON & HOVE CITY COUNCIL

OVERVIEW & SCRUTINY COMMISSION

4.00PM 14 JULY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors; Pidgeon, (Chairman) Alford, Bennett, Elgood, Morgan, Older, Peltzer Dunn, Pidgeon (Deputy Chairman), Wakefield-Jarrett, McCaffery and Kennedy

PART ONE

12. PROCEDURAL BUSINESS

12A. Declarations of Substitutes

12.1 Councillor Pidgeon was acting as Chairman for the meeting as Councillor Mitchell was unable to attend for personal reasons.

Councillor Meadows had given her apologies.

Councillor McCaffery was acting as substitute for Councillor Mitchell.

Councillor Kennedy was acting as substitute for Councillor Randall.

12B. Declarations of Interest

12.2 There were none.

12C. Declarations of Party Whip

12.3 There were none.

12D. Exclusion of Press and Public

12.4 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.

12.5 RESOLVED – That the press and public be not excluded from the meeting.

The Chairman reminded the Commission that the meeting was being webcast.

13. MINUTES OF THE PREVIOUS MEETING

13.1 **RESOLVED -** That the minutes of the meeting held on 2 June 2009 be approved and signed by the Chairman.

14. PUBLIC QUESTIONS/LETTERS FROM COUNCILLORS/NOTICES OF MOTION REFERRED FROM COUNCIL

14.1 There were no public questions, letters from Councillors or notices of motion.

15. CHAIRMAN'S COMMUNICATIONS

15.1 Councillor Pidgeon confirmed that he was chairing today's meeting as Councillor Mitchell was unable to attend for personal reasons.

15.2 The Overview & Scrutiny Annual Report was on the agenda for the forthcoming council meeting on 16 July 2009; Councillor Mitchell was due to present the report as Chairman of the Commission.

16. BUDGET PROVISIONAL OUT-TURN 08/09

16.1 The Head of Financial Services presented the report to the Commission. It was explained that the report had been to Cabinet in June 2009 and that there had been no change in the provisional figures submitted in the report.

16.2 The Commission heard that there had been an improvement in the council's position since Month 9 (when the figures had last been presented to the Commission); this was mainly due to an underspend in the concessionary fares budget, in part due to a lower usage than anticipated and monies held against potential legal challenges.

16.3 There had been an overall underspend in Directorate budgets, despite service pressures.

16.4 In terms of the capital programme, there had been a number of major re-profiles due to the King Alfred Leisure Centre and the Laines Car Park development, with significant slippage on the Civitas scheme.

16.5 Councillor Peltzer Dunn queried an item on pages 13/14 of the report, regarding loss of investment income as he understood that the council had not made losses on its investments. It was confirmed that there had been no investment losses but an under-achievement of the budgeted investment rate.

16.6 **RESOLVED –** to note the report.

17. SCRUTINY OF BUDGET PROPOSALS

17.1 The Head of Overview & Scrutiny presented the report to the Commission, explaining that it had been requested following last year's scrutiny of the budget proposals. The report provided a comparison of budget scrutiny arrangements in a number of local authorities.

17.2 The Head of Strategic Finance and Procurement confirmed that the most significant change was to the budget timetable for next year, outlined in 3.4.8 of the report appendix. Budget strategies would be submitted to Cabinet on 3 December. The comparisons that had been carried out showed that most authorities produced their key budget information in January/ February.

17.3 It had been proposed at Cabinet that, for Brighton and Hove, budget strategies would be produced for 3 December, so the bulk of the budget information would be in the public domain from that time. It was proposed that the strategies would include information on budget proposals for the next three years, including the direction of travel for the directorate, strategic context, financial and service pressures for each service, any proposals to re-invest into the service, value for money information, key risks, staffing implications and bench marking for each service amongst other things.

This timetable would ensure that the Commission had further time to consider what scrutiny might be needed of the proposed budget strategies and the overall budget package.

17.4 Councillor Peltzer Dunn commented that it had been interesting to see information about other authorities and asked what the scrutiny benefits were considered to be for the proposed arrangements. The Head of Overview & Scrutiny said that it was generally considered advantageous to have further time for consultation and scrutiny.

17.5 Councillor Elgood welcomed the proposals, noting that the previous administration had published their budget proposals in November/ December each year. Councillor Elgood said that he would like to see individual Commission meetings for each budget area; he would also welcome the opportunity to scrutinise opposition budget proposals. Both of these suggestions were supported by other Commission members.

17.6 The Head of Overview & Scrutiny confirmed that the Commission could hold individual meetings for each section of the budget proposals, or this could be devolved to each Scrutiny Committee. It was suggested that the best way forward would be for Overview & Scrutiny to work with the Finance Team to draw up a proposed scrutiny timetable.

17.7 Councillor Wakefield-Jarrett thought it would be useful for individual committees to look at their budgets; she asked whether public consultation was carried out on the budget proposals or whether this was planned.

The Commission heard that budget consultation was carried out with the Budget Review Group, which had cross-party representatives on it. The Group had recently discussed consultation for next year. Last year, 1, 500 responses had been received to the budget

questionnaire, a 26% response rate. Local businesses were invited to respond separately.

17.8 **RESOLVED** – (a) that the updates be noted and (b) that Overview & Scrutiny work with the Finance Team on proposals for future budget scrutiny.

18. EQUALITIES UPDATE

18.1 The Head of Equalities and Inclusion presented the six-monthly update report to the Commission. The Commission heard that, six months ago, the council had been working towards the Equality Standard assessment; the Head of Equalities and Inclusion was very pleased to be able to say that the council had achieved Equalities Standard Level 3 at the end of March 2009. This had now been replaced by a new Equalities framework, which was more focussed on outcomes and the council's assessment had been migrated to the new framework, being assessed as 'achieving', with 'excellent' being the next level to aspire to. The report provided an update on a number of issues relating to the Equalities Standard.

Members heard about the City Inclusion Partnership; the most recent meeting had been last week and it had been agreed that there would be an Equalities charter for the city, rather than having a shared equalities framework. The council would now be working to produce a council-wide single equalities scheme, which would link in to the proposed Charter.

18.2 Councillor McCaffery thanked the Head of Equalities and Inclusion for all of her team's hard work over the year, this was very welcomed. Councillor McCaffery had noticed positive movement across the city in terms of equalities, including the redefinition of the BME categorisation to include White European, and the positive recognition of the LGBT work carried out. Councillor McCaffery queried the statement on page 83 about scrutiny not having been used to monitor progress in the past; she felt this was a little inaccurate.

Councillor McCaffery was surprised to see that so few Equalities impact assessments had been completed over the last year; she had raised this at full council previously. Councillor McCaffery was looking forward to seeing more progress in the future and hoped that it would be monitored.

Councillor McCaffery was also concerned at how members were kept informed about equalities information as this seemed to be an area that should be improved. Councillor McCaffery was the lead opposition spokesperson for equalities and was surprised to see a number of significant issues in the report of which she had not been made aware .

18.3 Councillor Kennedy supported Councillor McCaffery's comments; she had concerns about the City Inclusion Partnership's method of working as meetings were held in private. Previously, the Equalities Forum had met in public which had allowed for minority groups to engage with policy formation and air their concerns; there did not seem to be a suitable forum for this to happen in a suitable way. Councillor Kennedy asked for the City Inclusion Partnership's remit to be reviewed.

18.4 Councillor Elgood commented that the peer challenge report was an excellent piece of work, and suggested that the Commission should keep a close eye on future areas of work that the report raised. Councillor Elgood would have liked to see more target dates in the council's response, and asked that the next update could provide this information. Councillor Elgood commented on the range of issues raised to do with staff issues, for example the staff bus not being accessible to staff with mobility impairment; he asked for further information on staffing issues to be brought to a future Commission meeting. Councillor Bennett supported this request.

18.5 Councillor Peltzer Dunn asked for clarification of the dates that were referred to in the report, and for more information about the work programme for the next six months. The Head of Equalities and Inclusion confirmed that the last report had come to the Commission in January 2009, and that this was the six-monthly report following that one. It was agreed that there was more work to be done in drawing up the next work plan to reflect the key issues. In particular, there was a mis-print on p 109 of the report, and it should have referred to 2009 in general.

18.6 There was a discussion about the suitability of the City Inclusion Partnership as a forum for issues to be raised. Concerns included the frequency of meetings, which were now held quarterly, that the meetings were held in private and that the meetings were outside of the council's constitution. Previously, the Equalities Forum had met in public. The Chairman said that he would like to see a return to these arrangements; this was supported by Councillor Elgood, who suggested a working group to look at disability issues. Councillor McCaffery said that she had raised these issues with the Governance Committee previously.

The Head of Equalities and Inclusion explained that a cross-party working group had already been established to look at this issue, at the request of Councillor David Watkins. The group was due to meet for the first time next week and it might be appropriate to wait for the outcome of that meeting before any proposed panel was established. It was intended that the group's work would inform the constitutional review. Members on the working group included Councillors Pidgeon, McCaffery, Wakefield-Jarrett, Watkins and Simpson.

The Head of Overview and Scrutiny suggested that the Commission might like to write to the Cabinet Member for Equalities to outline its concerns and seek a response, prior to setting up a potential ad hoc panel. In light of the information about the working party, it would seem to be a duplication of work if a panel was established at today's Commission. Members agreed to wait until the working party had reported before deciding on a course of action.

Councillor Elgood welcomed the working party but also proposed a scrutiny review on disability issues, perhaps looking at workforce issues as well as the wider issues raised by Commission members.

The Head of Overview and Scrutiny requested that it might be more appropriate to have a scoping report before agreeing any scrutiny panels so that work could be coordinated across directorates and committees. This was agreed by members.

18.7 **RESOLVED –** (a) that a scoping report be brought to the next Commission meeting and (b) that the achievements to date be noted.

19. SUSTAINABLE COMMUNITY STRATEGY

19.1 The Head of Partnerships and External Relations presented the report to the Commission. This report was an initial summary of changes to the first draft of the Sustainable Community Strategy (SCS), which was the overarching strategic document for the city, drawing together the main strategies from the various partners in the city including the public sector, the local authority and the private sector amongst others. It was intended to be a twenty year vision for the city, with some of the plans being aspirational, others being more realistic.

The report had been presented in order to invite the Commission to play a role in the SCS consultation process, which had started on 13 July and would be running until 5 October 2009.

19.2 Councillor Kennedy commented that the SCS was very detailed and suggested that it might be beneficial for there to be a scrutiny workshop so that it could be considered effectively. This was supported by other members, who suggested that a draft response from the Commission ought to be timetabled into the work programme.

The Head of Partnerships and External Relations agreed to this, although advised that it might be daunting to hold a workshop on the entire strategy, so it may be more appropriate for members to focus on headline information and key priorities. This was agreed.

19.3 Members made factual and style comments on aspects of the draft SCS. The Head of Partnerships and External Relations welcomed these and asked for any such comments to be forwarded to him in writing so that he could act on them.

There were also a number of more technical queries about performance measurements and statistical information. It was agreed that these would be answered in the next agenda item which focussed on the Local Area Agreement and performance monitoring.

19.4 **RESOLVED –** it was agreed that a Commission workshop would be held for members to consider the Sustainable Community Strategy in an effective manner.

20. ANNUAL PROGRESS UPDATE ON LOCAL AREA AGREEMENT 2008 - 2009

20.1 The report was presented by the Senior Performance Analyst and the Head of Improvement and Organisational Development (IOD). The Commission heard that the Local Area Agreement (LAA) was a three year plan and that this report gave the year end results for the first of those three years. All of the indicators were marked by a red, amber or green 'traffic light' to show whether it was on target or not. 68% of the indicators were green and it had been recommended that members focus on those marked as 'red' or 'off-target'.

20.2 Councillor Peltzer Dunn asked for further information about the alcohol-related hospital admittance figures, whether there were statistics for alcohol-related violence figures and the way in which the teenage pregnancy figures had been calculated. The Senior Performance Analyst said that he would circulate written answers to these questions after the Commission.

The Head of IOD commented that it was recognised nationally that higher figures were often indicative of improved recording; this was a national trend. Brighton and Hove City Council had been scrutinised by the Audit Commission who had noted improved performance across the council. The Commission was welcome to have as much performance information and explanation as required at any time.

20.3 Councillor Elgood sought clarification on the indicators for services for disabled children, for the take-up of 'talking therapies' and commented on the very low numbers of rough sleepers that were counted. The Senior Performance Analyst said that he would circulate written answers to the first two of these questions after the Commission. In terms of the rough sleeper count, the national Government guidance specifically excluded any rough sleepers who were not asleep at the time of the count.

20.4 Councillor McCaffery asked for the figures of sexual offences carried out in the public domain to be disaggregated from offences carried out in a domestic setting. The Senior Performance Analyst said that he would seek further clarification on this and keep members informed.

20.5 Councillor McCaffery asked whether, as a general principle, the words 'red/ amber/ green' could be written alongside each indicator as some copies were printed in black and white and the colour could not be seen. This was agreed. It was also agreed to ask other Scrutiny Committees to consider areas of ‘off-target’ performance.

20.6 RESOLVED – (a) that the Overview and Scrutiny Commission notes the recommendations in the report and (b) that the written clarification sought from members on various indicators be circulated. (c) that Overview and Scrutiny Commission agrees to ask the Chairs of relevant Scrutiny Committees to review any areas of off-target performance in greater detail and consider any relevant work the Scrutiny Committee could initiate to help improve performance in the future.

21. OVERVIEW AND SCRUTINY AND THE LSP

21.1 The Head of Overview and Scrutiny presented the report, explaining that Scrutiny had been given increased powers of scrutiny over partnership bodies. The report suggested ways of working more effectively with the Local Strategic Partnership (LSP).

21.2 Councillor Wakefield-Jarrett said that she supported the idea of working more closely with partnerships as it was often hard to establish who else might be dealing with a similar scrutiny issue within the city. However, the thematic partnerships met in private so might there be a problem caused by sharing information? The Head of Partnerships

and External Relations said that the thematic partnerships were trying to ensure that more information was available to the public; this was an ongoing piece of work. However due to their content, it was necessary for some of the thematic meetings to be kept as private information.

21.3 Councillor Older queried whether it might be possible to scrutinise the working of the LSP itself. The Head of Overview and Scrutiny said that this would be possible but that it would probably be more productive to look at issues rather than the working arrangements.

21.4 Councillor Kennedy commented on the amount of information that a member might be expected to absorb; it was often very hard to keep track of all of the meetings and agenda items without having to consider LSP meetings as well. It was suggested that it might be useful for all members to have an email for information only notifying them of agenda items for forthcoming LSP meetings. This was supported by other Commission members.

21.5 Councillor Wakefield-Jarrett asked whether the recommendation for the LSP to suggest work for the Commission could be extended in order that the Commission could suggest work for the LSP. This was agreed.

21.6 **RESOLVED-** that the recommendations in the report be agreed, with the exception of recommendation 4, which would be amended to read:

'That the LSP be invited to suggest items for the O&S work programme including in-depth reviews into specific areas of work, and that O&S Committees are able to request issues are discussed by the LSP'.

22. OVERVIEW AND SCRUTINY: DRAFT WORK PLANS 2009 - 2010

22.1 The Head of Overview and Scrutiny presented the work plans.

22.2 Councillor Elgood asked whether the Forward Plans could be brought each month as a standing item. This was agreed.

22.3 **RESOLVED** -(a) that the recommendations be noted and (b) that the Forward Plan be brought as a standing item.

23. CHILDREN AND YOUNG PEOPLE AND ALCOHOL

23.1 The Head of Overview and Scrutiny presented the ad hoc panel report from the Children and Young People's Overview and Scrutiny panel. It was explained that the report had been endorsed by its parent committee, and that it would be going to the relevant decision-making bodies in autumn.

23.2 Councillor Peltzer Dunn asked whether the report focussed on young people who lived in the city or whether it included those who were visiting, as it would be useful to look at

the effects of visitors to the city. Councillor McCaffery, who was on the panel, clarified that it had focussed on young people resident in the city. The Head of Overview and Scrutiny said that the issue of visitors to the city could be added to the future work plan if this was wanted.

23.3 **RESOLVED -** the report was noted.

24. ITEMS TO TAKE FORWARD TO CABINET MEMBER, CABINET OR COUNCIL

24.1 There were none.

The meeting concluded at 6.00pm

Signed Chair

Dated this day of