

**BRIGHTON & HOVE CITY COUNCIL
OVERVIEW & SCRUTINY COMMISSION
5.00PM 21 NOVEMBER 2011
COUNCIL CHAMBER, HOVE TOWN HALL
DRAFT MINUTES**

Present: Councillors; Littman, Morgan, Powell, Rufus, Summers, Cobb, Hyde, Lepper and Deane

Also present; Councillor Mitchell; Councillor J Kitcat; Councillor Shanks

PART ONE

50. ELECTION OF CHAIR AND PROCEDURAL BUSINESS

Election of Chair

50.1 The Head of Scrutiny Tom Hook opened the meeting by welcoming everyone especially representatives of Blatchington Mill School and members of the public. Cabinet Members Councillors Jason Kitcat and Sue Shanks were also present.

50.2 Councillor Warren Morgan was proposed and seconded unopposed as Chair for today's meeting.

Procedural business

50A Declarations of Substitutes

Councillor Cobb was substituting for Councillor Janio
Councillor Deane was substituting for Councillor Follett
Councillor Hyde was substituting for Councillor K Norman
Councillor Lepper was substituting for Councillor Mitchell

50B Declarations of Interest

Councillor Kitcat and Councillor Shanks declared they had a prejudicial interest as Cabinet Members involved in the decision and left the room after giving evidence and answering questions.

50C Declarations of Party Whip

51. CALL-IN REQUEST; BLATCHINGTON MILL SCHOOL HOCKEY PITCHES

51.1 Councillor Morgan outlined the reasons, procedures and purpose of the meeting; OSC was being asked to consider the written request for scrutiny and information presented here, and determine whether or not to refer back the 10 November Cabinet decision for re-

consideration. OSC did not have the power to make a decision but could make recommendations.

51.2 Councillor Gill Mitchell detailed her request for scrutiny. This was a large Council loan; the sum being the largest yet advanced to a school in Brighton & Hove, and the business plan had not been appended to the Cabinet report when the decision was made. There was no suggestion in any way that the school had not been diligent in putting the plan forward, but without the business plan it was difficult to estimate the risk and the Local Authority needed to protect its interests, and the interests of the school and the community, she said.

51.3 Councillor Mitchell thanked the school and officers for providing the business plan, circulated at this meeting. Her questions focussed on two main areas that she felt still needed to be clarified; the ability of the school to repay the loan and the extent to which the pitches could be put to community use, under various circumstances.

51.4 Referring to the business plan and agenda papers Councillor Mitchell queried issues including: the times of day when the pitches would be available for community use; interest rates over the 15 years on the capital repayments; any additional taxes or fees related to the lease; further details on the sinking fund; whether value added tax was payable; and the implications of reducing the number of hours the pitches could be used each week.

51.5 Summarising, Councillor Mitchell said that Cabinet would be able to consider answers to these questions, if OSC agreed to refer the decision back.

51.6 Giving reasons for the Cabinet decision Councillor Jason Kitcat said the financial case had been carefully looked at and the decision was properly made. The repayments were small relative to the size of the school's overall budget and the regulations and precedents were clear.

51.7 This was not a 'commercial' venture. The school and local community were working with a local sports club; there was overwhelming community support with only few objections. A conditional agreement had been in place since May 2010. The school's case was clearly set out and the Cabinet decision supported the school and the needs of the City. In his view a call-in would be unfair and could be perceived to undermine the position of the school.

51.8 Cabinet Members Councillor Kitcat and Councillor Shanks answered questions about the responsibilities of and relationship between a local authority and a local authority school.

51.9 In reply to queries, the Director of Finance Catherine Vaughan stated there was no undue cause for concern in this case and explained the principles for dealing with any school financial difficulties. Approval for the loan could have been granted in the usual way via Targeted Budget Management reporting and it would have been unusual to include the business-plan-level of detail in the Cabinet report she said. The loan repayment amounts were a relatively modest sum in relation to the school's overall budget. The finance team had regular contact with the school during various iterations of the business plan which had been updated to take account of the planning requirements.

51.10 With regard to the terms of the lease, the Head of Law gave an overview of officers' delegated powers and the possible effects of a potential forfeiture.

51.11 At the invitation of the Chair, the Head Teacher of Blatchington Mill School Janet Felkin spoke about the business plan and reassured Members that it had undergone close scrutiny. The wide-ranging skills of the school's finance committee had been put to good use on this important decision that the governors felt strongly about. The existing field could not be used when it was raining and the school wanted a world class facility for the students that would also provide better sports facilities both in and out of school time.

51.12 As Chair of Local Secondary Schools group, the Head Teacher said she was aiming to provide improved facilities for all schools across the City. The plan opened up a number of sports for the first time, enabling a wider range of facilities that could be used during wet weather.

51.13 Councillor Kitcat and Councillor Shanks left the room while the Commission discussed the call-in request. Some Members were satisfied with replies given here to the points raised while others said they were still concerned about the level of information available when the decision was made.

51.14 On the general matter of the amount of detail required, it was noted that in decision-making, Members often asked for and were given, further information on any issue either before the report was published or during consideration of the item.

51.15 Following a vote the Commission agreed not to refer the decision back to Cabinet.

51.16 **RESOLVED** that the decision be not referred back to Cabinet for reconsideration.

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of

