

# **BRIGHTON & HOVE CITY COUNCIL**

## **OVERVIEW AND SCRUTINY ORGANISATION COMMITTEE**

**5.00PM MONDAY, 22<sup>nd</sup> SEPTEMBER 2003**

**COMMITTEE ROOMS 2/3  
BRIGHTON TOWN HALL**

### **MINUTES**

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

Also present: Councillor Sue John (Deputy Chair, Policy and Resources Committee and Chair, Local Strategic Partnership)

Officers: Alex Bailey (Director, Strategy and Governance); John Heys (Principal Lawyer); Angela Dymott (Assistant Director, Property and Design); Mark Lamb (Director, Human Resources); Sally McMahon (Head of Libraries and ICT); Paula Murray (Arts and Creative Industries Manager); David Panter (Chief Executive); Ian Withers (Head, Internal Audit); Mary van Beinum (Committee Administrator)

### **PART ONE**

### **ACTION**

#### **23. PROCEDURAL BUSINESS**

The Chair referred to the special rules on substitutions and declarations of interests as regards overview and scrutiny, and executive committees and sub-committees, that had been circulated with the agenda.

The meeting noted that Members declaring a prejudicial interest in a matter are required to leave the meeting entirely during discussion of that matter.

#### **23A Declarations of Substitutes**

There were none.

#### **23B Declarations of Interest**

Councillor Sue John declared a personal and non-prejudicial interest in item 28 as a non-executive director of Brighton Festival Society Ltd.

#### **23C Exclusion of Press and Public**

23.1 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.

23.2 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any of the items on the agenda.

## **24. MINUTES**

24.1 Members noted that further information on training on the use of laptops would follow and the report of the Citizen's Panel Communications Survey would be circulated (minutes 12.6 and 12.12 respectively, refer)

24.2 With regard to the remit of the Scrutiny Panel on Procurement at para. 18.11(2) the meeting was reassured that considerations of environmental sustainability, health and safety and equalities issues were included in the meaning of 'quality'.

24.3 **RESOLVED** - That the minutes of the meeting held on 21<sup>st</sup> July 2003 be approved and signed by the Chair.

## **25. PERFORMANCE MONITORING: SERVICES THE RESPONSIBILITY OF THE CHIEF EXECUTIVE**

25.1 The Committee referred to the national performance indicators for services the responsibility of the chief executive, and noted there were only four of these. (For copy see minute book) No complaints on the corporate complaints database fell within these services.

25.2 The Head of Libraries and ICT told the meeting that visits to branch libraries had increased despite a national decline. For example since the re-opening of Patcham Library in June, usage had risen by 70%. The opening of the Jubilee Library in 2005 was likely to help the council achieve the Public Library Standard (6300 visits). Asked about the opening hours of libraries, the Head of Libraries said users of branch libraries were currently being asked about the level of service and opening hours they would like.

25.3 With regard to the number of visits to museums, the City was nationally the 4<sup>th</sup> best performing authority; visits had risen significantly since the re-opening of the Brighton Museum.

25.4 Turning to the briefing note on the performance of Economic

Development and Regeneration (for copy see minute book) the Chief Executive said increased access to funding including Interreg last year had been generated by the European Office, and expansion of the Council's presence in Brussels was now being considered.

25.5 The Chief Executive outlined the support given to business start-ups; further questions about these and key worker units would be answered in writing.

**SM/MvB**

25.6 The Arts and Creative Industries Manager presented the report of the Unit and answered questions, including questions about the 'Percent for Art' scheme, how it operates and the involvement of councillors and the Panel of experts. (For copy see minute book)

25.7 The Committee asked for information on how 'Percent for Art' ties into the planning system and recalled that the question of 'Percent for Sport' had arisen within the recently- completed Patcham Place Pavilion scrutiny review. The planning officers would be asked to outline to the next meeting, the process of negotiations between the council and developers known as section 106 agreements, how the system operates and how it is used to achieve council objectives.

**MR/MvB**

25.8 The Chair of the Local Strategic Partnership, Councillor Sue John described the aims of the new Arts Commission, which was soon to be launched by the Council in partnership with arts organisations.

25.9 A first draft of the Council's Cultural strategy was in preparation for consultation; the lead officer was the Director, Strategy and Governance

25.10 The Chief Executive told the meeting that work in establishing a Sports and Recreation Commission was also in hand.

25.11 The format of Team Plans as shown in the Appendix, would be improved in future reports to the Committee.

**PM/MS/MvB**

25.12 **RESOLVED** - (1) That the information in the reports and briefings be noted.

(2) That information on Section 106 agreements with developers be provided by the planning officers to the next meeting of the Committee.

**MR /MvB**

## **26. EMPLOYEE SICKNESS ABSENCE**

26.1 The Director of Human Resources presented the report

updating the Committee on the issues surrounding the management of employee sickness absence within the Council. (For copy see minute book)

26.2 The Committee was concerned about the effect of stress on the health of staff and how to identify measures to help reduce stress and sickness absence, and therefore also help reduce the council's costs.

26.3 The Director said that the Council's average sickness rate for last year - number of days lost per person per year - was 11 days and lower than had been estimated in the third quarter. Brighton & Hove's sickness absence was approximately at the middle (6<sup>th</sup>) of the 10 comparable local authorities. Medway's achievement was the best of the group; at 6.9 days this was much lower than Brighton & Hove.

26.4 Monitoring information was now much improved and would allow for prioritised action.

26.5 Under the 'legal implications' section of the report, the suggestion of 'intrusive questioning' of absent staff was queried, and Members asked whether current policy on managerial follow-up was sufficiently robust. It was felt that the report did have considerable sustainability implications, though these had not been described.

26.6 The Director pointed out the recent Audit Commission report conclusion; that the Council's policy generally conformed to good practice but that implementation needed to be improved. A staff survey would shortly be made which would include information on stress- and health- related issues to help inform policy development.

26.7 The Committee discussed sickness absence and noted that agency costs were incurred not only for sickness absence but also for unfilled vacancies. This applied particularly in the social services areas of work.

26.8 Brighton and Hove appeared at the top of the regional listing of teachers' absence at paragraph 3.2 of the report. It was recognised that the local authority has limited influence on schools sickness absence; the council could provide guidance and give help in individual cases but could not require schools to take action.

26.9 The Chief Executive described some key areas where action was being taken to help reduce sickness absence and staff agency costs, for example with regard to social services staff, CityClean and secretarial and temp agencies.

26.10 OSOC said the thorough report was very helpful and asked

**ML**

that the Committee be kept informed of new policies and progress with implementation.

26.11 **RESOLVED** – that the Committee note the contents of the report and monitor the progress of the implementation of the action points arising from the Audit Commission report 'Managing Sickness Absence' in Brighton & Hove City Council.

## **27. UPDATE ON IMPLEMENTING THE OPEN MARKET CANOPY SCRUTINY RECOMMENDATIONS**

27.1 The Assistant Director, Property and Design, presented the report outlining progress made in implementing the Open Market Canopy scrutiny recommendations. (For copy see minute book)

27.2 The Committee noted the situation regarding the tender process and heard that the intention was to complete the project this year. There were no plans at present to raise the rent levels.

27.3 The importance of full consultation was recognised as a key element in progressing the project; the 'sample' awning was to be erected in early October so that each trader could sign up to the construction works.

27.4 **RESOLVED** – that the Committee (1) note that bids have been made successfully to the Property Improvement Fund 2002/03 & 2003/04 to support the scrutiny recommendations regarding the consideration to provide supplemental sub-structures to the Open Market.

(2) Note that officers have had continued discussions with traders, worked up schemes together and appointed an external consultant, who has prepared and agreed the specification and tendered the buildings works. As the procurement exercises failed to engage a contractor, further discussions have been carried out with the traders regarding the option of erecting awnings that would minimise additional costs whilst maximising trading opportunities.

## **28. REQUEST FOR SCRUTINY OF THE BRIGHTON FESTIVAL AND DOME 1997 BUSINESS PLAN**

28.1 The Head of Arts and Creative Industries provided information on the request for scrutiny of the Brighton Festival and Dome 1997 Business Plan. (For copy see minute book)

28.2 The Committee considered the request for scrutiny which was made following discussion at 16<sup>th</sup> July Policy and Resources meeting. P&R agreed to additional funding for the Brighton Dome and Festival, and also resolved to submit to OSOC a request to review the 1997 Business Plan. (For P&R report and extract from the minutes,

see minute book)

28.3 Further information from Councillor Peltzer Dunn in support of his scrutiny request had been circulated to OSOC Members only. The paper had been denoted as containing exempt information. However, the Principal Lawyer advised the meeting that it was appropriate to release the paper in the open part of the meeting. (For copy see minute book). The Committee did not wish to see the confidential papers from 1997 referred to in Councillor Peltzer Dunn's paper.

28.4 OSOC discussed the key issues with the officers and the Chief Executive and noted that the 1997 Business Plan had been drawn up to keep the Dome venues open to the public and had formed part of the successful application for £15 million of Capital Lottery funding. The Plan had been over-optimistic and, with six years' hindsight, was now shown to have included mistaken assumptions.

28.5 Members felt it was important to acknowledge what had gone wrong in drawing up the original business plan and to learn from past events. They also said it seemed likely there had been too little capital investment in the complex in the past. However it would be unproductive to focus too closely on history; many councillors and officers involved at the time were not now with the Council and there would be little real benefit in re-visiting the details of the original plan.

28.6 The present over-riding concern was that the appropriate measures are now put in place to optimise the potential of the Brighton Dome and Festival. The Policy and Resources Deputy Chair said she felt a scrutiny review taking this approach would be welcome. She referred to the step-change in funding for the Dome and Festival by the city council and the need to see value for money.

28.7 The Committee agreed to establish a three-Member scrutiny panel to review the current and three-year arrangements being made for Council funding of the Dome complex. The 1997 business plan itself was not to be scrutinised though the lessons learned from it would be taken into account during the review.

28.8 Councillors Jan Young and Simon Williams would serve on the panel, to be chaired by Councillor Kevin Allen.

**MvB**

28.9 **RESOLVED** – that a three-Member scrutiny panel be established as minuted above at 28.7.

[Note; Councillor Sue John declared a personal and non-prejudicial interest in item 28 as a non-executive director of Brighton Festival Society Ltd. ]

**29. EXTERNAL AUDIT AND INSPECTION PLAN 2003/2004**

29.1 The External Audit Manager presented the report of the planned output and progress made in respect of the External Audit and Inspection Plan for 2003-2004 and completion of the previous year's External Audit plan. (For copy see minute book.)

29.2 Answering questions the Audit Manager said the final reports do not go to Committee; they are accessible and available to Council Members on request. The programme was agreed following the Comprehensive Performance Assessment inspections and timed to meet the council's improvement priorities.

29.3 **RESOLVED** – That the Committee note the planned coverage and progress made.

**30. CPA CORPORATE ASSESSMENT 2002**

30.1 The Director of Strategy and Governance presented to the Committee the report of the council's response to the recommendations of the Audit Commission's CPA Corporate Assessment report, published in December 2002. The report was intended to be viewed in conjunction with the Audit Commission's Corporate Assessment report already circulated to Members (For copies see minute book)

30.2 The Director outlined the approach being taken to implement improvements in corporate functions for this year. The improvement plan, drawn up with the help and advice of the Audit Commission had been reported to full Council in June. A full corporate assessment would not take place this year, though a more limited re-scoring exercise would give an idea of the Council's 'direction of travel' towards achieving its priorities.

30.3 The committee noted the Audit Commission's Corporate Assessment reference to sickness absence and staff capacity (see paragraph 30, page 11 of 23) and that the role of scrutiny had been identified as a weakness.

30.4 Members referred to the Members' training session provided by the Head of Performance prior to the committee meeting and said it had been very useful in helping improve skills of questioning and analysis.

30.5 The Committee felt it was sometimes difficult to get the information it asked for and therefore persistence was needed. For

instance better sickness absence information had been requested during the scrutiny review of 2000.

30.6 The Committee noted it could require information to be provided and felt OSOC should continue to ask for more frequent budget monitoring reports.

30.7 OSOC asked the officers to report back from the training session to the next Committee meeting on November 17<sup>th</sup>.

30.8 **RESOLVED** – (1) That the Committee note how the council is taking action in all the areas highlighted by the CPA Corporate Assessment report as requiring attention.

(2) That the next meeting receive information on the performance monitoring training session, 22<sup>nd</sup> September.

**MvB/MS**

### **31. UPDATE ON CURRENT SCRUTINY REVIEWS, AND EDUCATION AND HEALTH SCRUTINY**

31.1 The Committee noted the update report on scrutiny reviews and education and health scrutiny. (For copy, see minute book)

31.2 The meeting also noted that the Education Overview and Scrutiny Panel meeting on 23<sup>rd</sup> September would be considering a request for scrutiny submitted by the Green Group of 'the PFI contract awarded subsequent to the opening of East Brighton College of Media Arts (COMART) as a 'Fresh Start' school in 1999.'

31.3 **RESOLVED** - That the Committee note the report.

### **32. ITEMS TO GO FORWARD TO COUNCIL**

32.1 The meeting noted that the scrutiny report on Patcham Place Pavilion and the executive reponse would be reported to the Council meeting on 25<sup>th</sup> September.

### **33. ITEMS FOR THE NEXT MEETING OF OSOC, 17<sup>TH</sup> NOVEMBER**

33.1 It was noted that the following items were scheduled for the next meeting

- Monitoring Performance: Children, Families and Schools
- Internal Audit – Half-year progress report
- The Planning Services – has the Planning Review been implemented successfully?
- Section 106 agreements with developers
- Feedback from the 22<sup>nd</sup> Sept. Members' training session on Performance Monitoring

- Implementation of the Best Value Improvement Plans for:  
Children's, Families and Young People's Services  
Lifelong Learning – Implementation of the Improvement Plan

**PART TWO**

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

34.1 **RESOLVED** - That no items on the agenda be exempt from disclosure to the press and public.

The meeting concluded at 7.30 pm

Signed

Chair

Dated this

day of

2003