

REPORT OF THE OVERVIEW AND SCRUTINY ORGANISATION COMMITTEE

HELD ON 2ND JUNE 2003

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

1. Annual report of scrutiny at Brighton and Hove 2002 - 2003

The committee has considered and noted the annual report of scrutiny at Brighton and Hove 2002 - 2003.

Councillor Les Hamilton
Chair, Overview and Scrutiny Organisation Committee
June 2003

ANNUAL REPORT: SCRUTINY AT BRIGHTON AND HOVE 2002 – 2003

This report summarises the work undertaken within the scrutiny function at Brighton & Hove during the year 2002 - 2003. This has been the first year of the City Council's new constitution based on the improved committee system and scrutiny has continued to form an integral part of the structure by holding the executive committees to account and playing a key role in monitoring performance to ensure the delivery of high quality services.

The scrutiny function in the form of the new Overview and Scrutiny Organisation Committee (OSOC) and the Education Overview and Scrutiny Panel (EOSP), has been actively adapting to its new role within the changed council structure.

The Overview and Scrutiny Organisation Committee has responsibility to manage the Council's overall scrutiny function (with the exception of education-related matters), setting up ad hoc scrutiny panels where necessary, and has been especially pro-active during the year in refining scrutiny roles and procedures and developing practical improvements to the process.

During 2002 - 2003 OSOC has determined scrutiny requests and established an in-depth scrutiny review. The Committee has endorsed the findings and recommendations of four scrutiny panels resulting in positive recommendations leading to improvements in policies and/or service delivery.

For education-related matters the standing Education Overview and Scrutiny Panel (EOSP) have similar responsibilities to OSOC and in addition, themselves carry out in-depth scrutiny reviews where necessary. Last year EOSP completed a review of School Admissions Procedures, and has determined the Council's first 'call-in' request, referring back a decision on a school merger to the executive committee.

Arrangements are now in place for a new standing Health Overview and Scrutiny Panel to be set up in 2003 - 2004 based on initial work undertaken throughout 2002 - 2003 by the Health Scrutiny Steering Group of Members and co-optees.

My thanks go to all the Councillors and co-optees who have been involved in the scrutiny process this year and whose hard work has made possible these positive achievements.

Councillor Christine Simpson
Chair, OSOC; 2002 - 2003
May 2003

SCRUTINY AT BRIGHTON AND HOVE

The Overview And Scrutiny Organisation Committee (OSOC) has responsibility to manage all overview and scrutiny functions on behalf of the council with the exception of education services for which the standing Education Overview and Scrutiny Panel (EOSP) is responsible. Preliminary groundwork has been done towards the establishment in 2003 – 2004 of a dedicated Scrutiny Panel to scrutinise health services.

OVERVIEW AND SCRUTINY ORGANISATION COMMITTEE (OSOC)

OSOC first met in May 2002 and comprised the following councillors:

Councillor Christine Simpson (Chair)
Councillor Allen
Councillor Austin
Councillor Davidson
Councillor Les Hamilton (Deputy Chair)
Councillor Vince Meegan
Councillor Ken Norman
Councillor Brian Rowe
Councillor Geoffrey Theobald (Deputy Chair)
Councillor John Warmington
Councillor Pete West

The committee have received requests for scrutiny during the year and established an in-depth scrutiny review of Patcham Place Sports Pavilion which had been destroyed in an arson attack. A scrutiny review of the council's venues policy agreed by the former Scrutiny Management Committee in February 2002 had been deferred while the new policy was taking effect and at its meeting in March 2003 OSOC gave the go-ahead for a three-Member scrutiny panel to be established to progress this review focussing on the lettings at Hove Centre.

OSOC have endorsed the findings and recommendations of three scrutiny reviews undertaken during the previous year: Palmeira House, King Alfred Leisure Centre and Discretionary Grants Allocations. The scrutiny reports have been considered by the relevant executive committees and reported to full Council.

Some requests for scrutiny were withdrawn including the decision-making and consultation process in respect of the new Brighton Library Private Finance Initiative, and the Organisation of Large-Scale Outdoor Events following a summer beach gig.

Regular reports have been presented to OSOC throughout the year on the progress in achieving the best value performance targets and key delivery targets from the best value performance plan and the committee have developed a work programme to consider each service area in detail at least annually. This enables each OSOC meeting to focus on one service area and question the relevant chief officer and

executive councillor on targets and outcomes. Performance within each service area is thus scrutinised at least once per year.

OSOC have been continuing to receive regular updates on corporate complaints and to monitor progress against the Internal Audit Plan. The Committee are being kept informed of the Council's Race Equality Scheme and progress with its implementation.

A full-day scrutiny induction session for all Council Members in September brought forward innovative ideas for developing the role of scrutiny and OSOC have incorporated a number of suggestions into written guidelines and new ways of working for scrutiny. These include guidance notes on submitting scrutiny requests (Appendix A), guidelines for the work of scrutiny panels (Appendix B) and a template for use by executive committees in replying to scrutiny recommendations.

IN-DEPTH SCRUTINY REVIEWS

Palmeira House

The scrutiny review focussed on the breakdown of the contract to provide care for the children and young people at Palmeira House and investigated how the contract came about, the planning and the running of the project. The Palmeira House Scrutiny Panel comprised seven Members and was chaired by Councillor David Watkins. The Panel started work in May 2001, heard from 12 witnesses and received written evidence relating to events between April 1997 and June 2000, and agreed the recommendations in August 2002.

The Scrutiny Panel made 24 recommendations intended to apply to services that are provided in conjunction with an organisation outside the council whether private, public or voluntary sector organisation including general recommendations relevant to council-wide administrative practices.

The Children Families and Schools sub-committee in September 2002 accepted all the recommendations of the scrutiny review and reported on the lessons learned on assessment and planning of services, procurement and negotiating contracts, and the interface with Councillors in making and reviewing decisions on service delivery. The recommendations apply across council services and not only the Palmeira House project.

King Alfred Leisure Centre

The seven-Member Scrutiny Panel on the King Alfred Leisure Centre chaired by Councillor John Warmington first met in June 2001 to investigate the circumstances and effects of the announcement in 2000 that the proposals at that time to redevelop the Leisure Centre were not to proceed.

During 13 meetings including a site visit the scrutiny panel considered details of the negotiations and proposals for redevelopment starting from March 1996 until

November 2000. The Panel's three recommendations reported to OSOC in September 2002 related to public consultation, preparation of a development brief after exploring a range of options, and where appropriate, the drawing up of a Strategy for the service area for this and other similar prime developments in Brighton and Hove.

The Culture and Regeneration Committee responded to the recommendations in November 2002 setting out the programme of public consultation on the project from September 2001, the production of sports and development briefs together with examples of how the recommendations are also met in the way that other major projects are being developed.

Discretionary Grants Allocation

The Discretionary Grants Allocation scrutiny Panel was established in November 2001 to investigate the progress in implementing the recommendations of the Best Value Review of Grants and the process by which applications were appraised and recommendations made for the 2001 – 2002 Main Grants Programme. The four-Member Panel was chaired by Councillor David Watkins.

The Panel's findings and eight recommendations to help inform the future development of the grants programmes, were reported to OSOC in July 2002.

Following scrutiny, changes have been made to the application and appraisal process. These were agreed at Policy and Resources Committee in November 2002. The Discretionary Grants Programme for larger and medium sized organisations is on schedule for decisions in November 2003 for grants to cover 2004 – 2007. Applications for smaller organisations and the new programmes will commence in January 2004 for grants in 2004 – 2005.

Patcham Place Pavilion

After considering a request for scrutiny in November 2002 OSOC established a scrutiny review of the possible options for a sports pavilion at Patcham Place. The former building had been burnt down in an arson attack in 2000 and had not been replaced.

The Panel of five Members was chaired by Councillor Les Hamilton and met seven times to receive oral and written evidence including a site visit to Patcham Place and other nearby sports facilities. The findings and recommendations were endorsed by OSOC in March 2003 and will be considered by the Environment Committee for reply.

The key recommendation of the scrutiny review was that the pavilion be reinstated according to the latest proposed plans; a further ten recommendations related to issues including progress on the Council's Playing Pitch Strategy and condition and availability of pitches, communications with sports users, cleanliness and condition of sports pavilions and resources for outdoor sports.

Hove Centre Lettings Policy

OSOC agreed in March 2003 to a three-Member scrutiny panel to investigate the council's pricing and lettings policies for Hove Centre. This followed an initial proposal for scrutiny in February 2002 from the former Corporate Resource Allocation Scrutiny Board. The start of the review had been deferred for a year to allow for the changes to take effect.

The Panel Members are being appointed in May 2003.

OTHER SCRUTINY WORK PROGRESSED BY OSOC

During 2002 –2003 OSOC determined other requests for scrutiny as follows:

Houses in Multiple Occupations Registration Scheme

OSOC considered in July 2002 whether a registration scheme for houses in multiple occupations should be subject to scrutiny. This followed concerns that a minimum room size requirement larger than seemed to be specified by some other local authorities, may reduce the availability of affordable rented accommodation at the lower end of the market.

Members received further details from the officers and heard that there was discretion to use smaller accommodation where rooms were well arranged. Monitoring was under way and the feed-back would form part of a review which was already scheduled. OSOC felt that a scrutiny review would be premature.

Administration/Management of Car Parking Bays on Housing Land

A request for scrutiny of the Administration and Management of Car parking bays on housing land – particularly in the outer areas of Brighton and Hove was considered by OSOC in July 2002. Two separate projects on car parking enforcement on housing land were reported to the meeting and a review of this area of work was in hand. Members felt that the concerns raised should inform the review already being undertaken and the outcome of that process should be awaited.

Planning Procedures

A scrutiny request was reported to the July meeting of OSOC in respect of planning procedures and the manner in which the planning application by Brighton and Hove Albion for a stadium at Falmer was handled. Concerns about procedural decisions relating to this application included the announcement of the date of the Planning Applications Sub-Committee meeting, late representations from statutory consultees, assessment of the business case and the views of individual planning officers.

The Committee were reassured that the recommendations placed before the Sub-Committee were based solely on professional planning advice and that the scheme

had been considered on its merits. Initial assessment of the business case had been sufficient to enable consideration of the planning application to take place. Late representations were handled in keeping with the usual procedures and the meeting date would have been set according to the availability of Councillors. OSOC did not agree to a scrutiny review and were of the view that proper procedures had been followed and the request did not meet the appropriate scrutiny criteria.

Approach to Ethical Investment

The July meeting of OSOC considered a request for scrutiny of the ethical content of the investment policies of the council and the pension fund. The meeting received information on the council's ethical investment statement adopted in 1998 and the type of investments made.

OSOC were of the view that the council was careful in its investments to ensure that it behaved responsibly and ethically and that in funding the East Sussex Pension Fund all appropriate measures were pursued in as far as practicable to ensure an ethical funding policy. A scrutiny review was not agreed.

Rules for disposal of Council-owned property

Following a request for scrutiny of the rules for the disposal of council-owned property in May, OSOC felt that current legislation was too inflexible and possible ways needed to be explored to enable local authorities to dispose of land for other than the 'best price reasonably obtainable' when selling or leasing council properties for social benefit. An in-depth scrutiny review was not agreed but officers were asked to make a representation to the Secretary of State for Environment Transport and the Regions and to report back.

The September meeting of OSOC heard that the Local Government Association had in June made a number of proposals including a relaxation of the rules for property disposals and discussions were under way with the Office of the Deputy Prime Minister (ODPM) and the South East England Development Agency.

Subsequently the ODPM issued a wide-ranging draft General Disposal Consent for consultation and in March 2003 OSOC agreed a response which welcomed the greater flexibility provided by the draft Consent but questioned the limit of £2million undervalue attached to the new Consent in an area such as Brighton and Hove where development land is in short supply.

EDUCATION OVERVIEW AND SCRUTINY PANEL (EOSP)

The standing Education Overview and Scrutiny Panel has full delegated powers for scrutiny of education matters. The Panel transacts essentially the same business as OSOC but both manages the scrutiny of education and carries out independent reviews. The Panel first met in June 2002. Membership has been as follows:

Councillor Charleton (Chair)
Councillor Dawn Davidson
Councillor Joyce Edmond-Smith
Councillor Les Hamilton
Councillor Alison Hermitage
Councillor Lynda Hyde
Councillor Juliet McCaffery
Councillor Mo Marsh
Councillor Vince Meegan
Councillor Mrs Ann Norman
Councillor John Warmington
Councillor Mark Worgan (Opposition Spokesperson)

Mr J Taylor (Statutory Co-optee)
Mrs E Lee (Statutory Co-optee)
Mrs K Lewis (Statutory Co-optee)
Mr F Myers (Statutory Co-optee)

Mrs A Antonio (Non-Statutory Co-Optee)
Mrs S Llewellyn-Powell (Non-Statutory Co-Optee)
Reverend S Terry (Non-Statutory Co-Optee)

The Panel conducted an in-depth scrutiny review of the School Admissions Procedures and determined Brighton and Hove's first call-in request; agreeing to refer back a decision on a school merger to the Children Families and Schools Committee.

School Admissions Procedures – in-depth scrutiny review

EOSP agreed in June 2002 to carry out an in-depth scrutiny review following a request to consider the Council's school admissions procedures and whether any changes may be made to them to allow a greater proportion of children to be allocated a place at the school closest to their home if they wish.

The membership of the Panel was confirmed by the Education Overview and Scrutiny Panel and comprised of Councillors and independent co-optees as follows:

Councillor Mo Marsh (Chair)
Councillor Alison Hermitage
Mrs Elizabeth Lee (co-opted Parent Governor representative)
Councillor Vince Meegan
Mr Frank Myers (co-opted member representing the Roman Catholic Diocese of Arundel & Brighton)
Councillor Mrs Ann Norman
Councillor Brian Rowe
The Revd Stephen Terry (co-opted member representing Brighton & Hove Governors' Network)
Councillor John Warmington

A tight timetable was agreed for the scrutiny review so that statutory processes including consultation would allow any changes to the admissions procedures to apply from the September 2004. Meeting between 2 September and 8th November 2002 the Scrutiny Panel held a series of public meetings to gather evidence and inform the scrutiny review.

The Scrutiny Panel made ten detailed recommendations concerning; information provided to parents/carers, priority/catchment areas, demographic information/forward planning, the number of preferences expressed, sibling priority inclusion issues/special needs, and marketing of schools.

The Scrutiny Panel's report was considered by the CFS Sub-Committee in December where it was agreed that improvements in the provision of information could be implemented immediately. Other recommendations required more detailed consideration than the agreed timeframe and it would therefore not be feasible to change the admissions arrangements until September 2005.

Consideration of these elements were reported to the CFS Sub Committee in January 2003. Means of dealing with special educational needs was agreed together with the timeframe for further detailed public consultation on setting priority areas, the removal of the sibling rule for secondary pupils and other issues. The results of these further consultations are likely to form the basis of future reports to the CFS Sub Committee.

Call-in re Schools Merger

The EOSP received in June 2002 a request to call-in the decision of the Children Families and Schools (CFS) Sub-Committee relating to the merger of Goldstone and Knoll Infant and Junior Schools.

Goldstone Junior and Knoll Infants Schools had merged to form a primary school – Goldstone Primary – in September 2001 with the intention of consolidating the new schools at the existing Goldstone site. The CFS Sub-Committee's later decision, taken in June 2002 in the light of a refusal by the Department for Education and Skills to part-fund the capital programme, was to continue to operate the two merged schools on separate sites for the foreseeable future.

The EOSP considered Councillors' letters requesting call-in agreed to refer the matter back to the CFS Sub-Committee and recommended that all possible options in respect of the two schools be reconsidered including the possible de-merger of the two schools.

The CFS Sub Committee in September 2002 received a further report and agreed proposals for bridging the capital funding gap for a single-site Goldstone school together with an outline timetable for building works. However clearance to proceed would depend on securing planning consent for the development and the agreement of the Secretary of State to dispose of an area of open space. The CFS Sub Committee heard in March 2003 of the progress made in locating all children

attending Goldstone Primary school on one site. Outline planning consent has been secured for residential development on the Stapley Road, and a planning application has been prepared to adapt the existing building at Laburnum Avenue and to provide a new playground. Completion is expected by late Summer 2004.

A capital receipt to fund this project was agreed at Policy and Resources Committee by the disposal of the site of the former Knoll Infant School. Further progress is to be reported to the CFS Sub Committee.

OTHER SCRUTINY WORK PROGRESSED BY EOSP

The Education Overview and Scrutiny Panel has received periodic performance and service audit reports during the year. Progress on the Education Development Plan has been monitored and the Panel has been kept informed of forthcoming major policy issues including updates on school test and exam results, implementing the Education Act 2002, establishing a Children's Trust in Brighton and Hove, proposals to move towards a six-term school year, the city languages strategy and the education budget settlement.

HEALTH SCRUTINY PANEL (HOSP)

A new power for English Local Authorities to review and scrutinise health services came into force on 1 January 2003 under Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

The establishment of a standing Health Overview and Scrutiny Panel (HOSP) has been agreed by Policy and Resources Committee, following work undertaken during the year by the health scrutiny steering group of Members and co-optees reporting to OSOC and comprising:

Councillor Linda Austin (Chair)
Councillor Christine Simpson
Councillor Mo Marsh
Councillor Pamela Stiles
Councillor Mrs Carol Theobald
Robert Brown (co-optee)
Christine Holmes (co-optee)
Peter Aggleton (co-optee)

There is on-going consultation with local health organisations on developing the health scrutiny function within Brighton and Hove.

REQUESTING A SCRUTINY REVIEW - NOTES FOR GUIDANCE

The remit of scrutiny

1. A scrutiny review provides an opportunity for Members to:
 - focus in depth on a particular issue or service area;
 - investigate the circumstances around a decision or event; or
 - monitor the effects and outcomes of a policy; and
 - make proposals for improvements in the future.
2. Scrutiny has a broad remit and the subject of a scrutiny review may be any Council service, a decision of an executive committee or any matter affecting the well-being of Brighton & Hove.

Submitting a scrutiny request

3. Decisions on which matters will be subject to a scrutiny review are taken by the Overview and Scrutiny Organisation Committee (OSOC) or, in respect of education matters, the Education Overview and Scrutiny Panel (EOSP).
4. Any Councillor may submit a request to the OSOC/EOSP for a matter to be subject to scrutiny. The request should be set out in a letter to the Chief Executive and must be received by him no later than 4.00 p.m. on the ninth working day before the OSOC/EOSP meeting. For example this means that for an OSOC meeting on a Monday, the request must be received by 4.00 p.m. on the Tuesday, 13 calendar days before the meeting.
5. Any number of Councillors may sign a request for scrutiny and multiple signatures on a scrutiny request can be a useful indicator to the OSOC/EOSP where a matter is of concern to a large number of Councillors.
6. The scrutiny request must outline the issue to be scrutinised and the reason(s) for the request. It is also useful for the Councillor(s) making the request to identify why they believe it meets the criteria for scrutiny (see below) and what they expect the benefits of the review to be for future practice.

The scrutiny criteria

7. There are no hard and fast rules about which specific issues will be agreed for scrutiny. The OSOC/EOSP will consider each request on its merits. However, to ensure consistency the Constitution sets out a series of factors to be taken into account in all cases. It is important to bear these *criteria* in mind and where appropriate to address them in any scrutiny request:

(a) The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or

Scrutiny is intended to take a strategic view and it necessary for OSOC/EOSP to prioritise and make the most effective use of limited resources. A scrutiny request on a matter of general application or

<i>other key issues affecting the well being of the City or its communities.</i>	citywide concern is more likely to succeed than one on an individual case or ward issue.
<i>(b) Whether there is evidence that the decision-making rules in Article 11 of the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council.</i>	If a decision has been properly taken following discussion at an executive committee/sub-committee, a scrutiny request submitted solely on the basis that one or more councillors disagree with the decision is unlikely to be agreed. OSOC/EOSP is likely to require further reasons to support the request - e.g. evidence of a procedural breach or of additional information not available to the committee.
<i>(c) The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services.</i>	A scrutiny request should explain the expected benefits of the review in terms of improvements for the future. A scrutiny review cannot reverse a previous decision therefore a matter which has implications for general practice or an event which is likely to recur are more likely to be agreed for scrutiny than a very specific one-off issue.
<i>(d) What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels.</i>	Often it will be more effective and quicker to raise an issue through other means e.g. a letter to the relevant Executive Committee, the complaints procedure, an enquiry to the Chief Executive or Chief Officer, Council question etc.. Councillors should consider this and where appropriate set out in the scrutiny request why they have not proved satisfactory. OSOC/EOSP will not normally agree to scrutiny until other appropriate channels have been exhausted.
<i>(e) The resources available and the need to ensure that the process is not overloaded by requests.</i>	OSOC/EOSP will need to prioritise and reviews which would be uneconomic (e.g. where very costly research or other work would be required) may not be agreed.

Matters excluded from scrutiny

8. Individual decisions in respect of development control, licensing, registration, consents and other permissions will not normally be scrutinised and scrutiny is not an alternative to normal appeals procedures. The Scrutiny

process is not appropriate for issues involving individual complaints or cases, or for which a separate process already exists e.g. personnel/disciplinary matters, ethical matters or allegations of fraud.

Considering a scrutiny request

9. Once a scrutiny request has been received, it will be submitted to the OSOC/EOSP along with a report containing background information on the matters raised and the initial comments of the relevant Chief Officer(s) on the scrutiny request.
10. On receipt of a scrutiny request, the Chief Executive/Head of Members' Services may where appropriate discuss with the Councillor(s) submitting the request and give advice on possible amendments to the request to make it meet more closely the scrutiny criteria and/or on alternative channels which may be more appropriate to pursue the issue.

At the OSOC/EOSP meeting

11. The Councillor(s) submitting the scrutiny request will be invited to attend the meeting at which it is considered. The Chair will normally invite one of the Councillors to introduce the request. The purpose of this meeting is not to carry out the actual scrutiny review but merely to decide whether or not a review should take place.
12. In this regard the OSOC/EOSP has some flexibility. They may reject or accept the request. If they accept it, they may decide to set up an ad hoc panel to carry out an in-depth review, or they may decide to scrutinise the matter themselves, either through a one-off report and discussion at a future meeting, or by requesting further monitoring reports.
13. If the request for scrutiny is rejected, OSOC/EOSP may nevertheless wish to refer their comments or highlight an area of concern to the relevant executive committee. In this case OSOC may recommend to the appropriate Executive Committee that the Councillor(s) submitting the scrutiny request be invited to the Executive Committee meeting at which the matter is being discussed.
14. If an in-depth scrutiny review is agreed, the Councillor submitting the original scrutiny request will be invited to submit evidence to the panel.

GUIDELINES FOR SCRUTINY PANELS

- **Size of Panel:** Not more than 7 Members. Normally to be Chaired by a Member of OSOC.
- **Appointment of Members:** OSOC to agree numbers (& any co-optees), Groups to appoint from the 'pool' to avoid delay
- **Duration of Review:** Aim to report back within 2 committee cycles
- **Number of meetings:** Calendar to be agreed at initial meeting including which of the meetings to be held in public).

Normally a minimum of 5 meetings will be required (scoping; background information; receiving evidence; considering findings; agreeing report). Up to 4 further meetings may be scheduled.
- **Scoping of reviews:** OSOC to set broad aims/terms of reference and to identify the purpose of the review & issues to be addressed.

First meeting of the Panel to consider desired outcomes, witnesses to be invited (to include in all cases the relevant Executive Committee Chair) and information required, arrangements for involving the public/stakeholders.
- **Officer support:** Each Panel to be allocated a Scrutiny Support Officer, and to identify information required from other departmental staff/link officers
- **Reporting Scrutiny findings:** Panel may consider draft report at an informal meeting. Final report to OSOC for endorsement. Then to the Executive Committee and subsequently (with response) to full Council.
- **Overall Scrutiny workload:** Normally, no more than 4 reviews to be live at any one time.

(NB The report and the appendices referred to above are available on the Wave)