

# BRIGHTON & HOVE CITY COUNCIL

## OVERVIEW AND SCRUTINY ORGANISATION COMMITTEE

5.00PM – 14 JANUARY 2008

HOVE TOWN HALL

### MINUTES

Present: Councillor Young (Chairman); Councillor Barnett (Deputy Chairman);  
Councillors Alford, Allen, Davis, Duncan, Harmer-Strange, Janio,  
Simpson, Steedman and Watkins.

### PART ONE

#### ACTION

#### 45. PROCEDURAL BUSINESS

##### 45A. Declarations of Substitutes

45.1 There were none.

##### 45B. Declarations of Interest

45.2 When item 55 was called, Councillor Duncan advised that although he did not have a personal or prejudicial interest in the item, he felt the committee should be aware that he had given evidence at a public inquiry regarding the compulsory purchase of land re: the waste incinerator.

##### 45C. Exclusion of Press and Public

45.3 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 Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

45.4 **RESOLVED** - That the press and public be not excluded from the meeting.

#### 46. MINUTES

46.1 At minute 36.7 the meeting heard that the letter on risk of flooding was expected to go to the Planning Applications Sub-Committee on 23<sup>rd</sup> January. At minute 36.5 the Chairman summarised the linking up of road gully cleansing and verge-cutting services. A new contract was due to

start in April.

- 46.2 **RESOLVED** – That the minutes of the meeting held on 29 October 2007 be approved and signed by the Chairman.

#### 47. CHAIRMAN'S COMMUNICATIONS

- 47.1 The Chairman thanked the Members of OSOC who had attended a successful informal meeting on 8 January. This had been convened at short notice to discuss overview and scrutiny under the new governance arrangements. The points raised were being taken forward by the Director of Strategy and Governance and another informal meeting would be held when the suggestions had been developed further.

#### 48. PUBLIC QUESTIONS

- 48.1 There were none.

#### 49. OVERVIEW OF FINANCE & RESOURCES

- 49.1 The Chairman welcomed the Director of Finance & Resources and Councillor Ann Norman as the Lead Councillor for Finance and Resources.

- 49.2 Councillor Norman said she shared the role of lead councillor for some functions of ICT with the Leader, Councillor Brian Oxley, and went on to introduce the Department's work as outlined in the summary. (See minute book).

- 49.3 Highlighting some key areas of current work she said the Department was pleased to hold six Chartermarks. Policy and Resources Committee in November had agreed the action plan to address the overspend on the General Fund and the Asset Management Plan and Corporate Property Strategy were being reviewed.

- 49.4 The Director answered questions on investments and said a monthly bulletin on treasury management was circulated to the Finance Management Sub-Committee. The bulletin included tracking of performance against benchmarks. Local Authority investments were restricted according to CIPFA guidance; security and safety were of utmost importance. The Council had pro-actively taken advice to minimise exposure to any one organisation and in the recent financial climate had suffered no overall losses.

- 49.5 **RESOLVED** – that the information be noted.

#### 50. INTRODUCTION TO ICT & CUSTOMER SERVICES DIVISIONS

- 50.1 The Director of Finance & Resources outlined the ICT and Customer Services Divisions. (see Minute Book)

- 50.2 It was clarified that the post of Assistant Director, ICT would be filled and that consultation with staff was underway regarding the structures of Heads of ICT services and systems, reporting to the AD.
- 50.3 There was no overall council programme on Chartermark but all service areas are required to consider it and the Assistant Director, Customer Services, was a Chartermark 'champion.'
- 50.4 **RESOLVED:** - that the information be noted.
- 51. EXTRACTS ON FINANCE & RESOURCES FROM THE PERFORMANCE REPORT**
- 51.1 The Committee considered a report of the Director of Strategy & Governance containing extracts from the Finance & Resources Performance report. (See minute book.)
- 51.2 Answering queries the Director said the performance targets were the responsibility of Policy and Resources Committee and were challenged annually by the Committee Chairmen and Directors.
- 51.3 The latest figure for BVPI 8 (Payment of Invoices on time) was over 95% and with the benefit of better management information this PI was now expected to be maintained at this level or better.
- 51.4 Regarding BVPI 76 (Benefits fraud), the City had an unusual housing benefits profile, and other circumstances different from local authorities said to be 'comparator' authorities. Benefits Fraud Prevention was subject to rigorous external assessment and there had been significant improvement in the weeks since the data was compiled. For BVPI 76c (Proportion of fraud investigations) it would be a risk to pursue a higher volume of cases that would be unlikely to achieve outcomes. Further information would be provided to the next meeting.
- 51.5 For BVPI 156 (access to council buildings) it was clarified that stand-alone toilets are excluded from the definition.
- 51.6 The Committee asked that where indicators are calculated quarterly, this is stated on the table. **AE**
- 51.7 **RESOLVED:** - that further information on benefits fraud prevention be provided as minuted above **CV/MvB**
- 52. MANAGEMENT OF THE COUNCIL'S AGRICULTURAL PORTFOLIO**
- 52.1 The Committee welcomed the report of the Director of Finance & Resources setting out an overview of the management of the Council's Agricultural Portfolio by the Council's appointed agricultural agents, Smiths Gore. (See minute book).

- 52.2 The agricultural portfolio is comparatively large because Brighton Corporation purchased the land in the 1920's to protect the town's aquifers and provide water to a wider area including to Hove.
- 52.3 Councillor Simpson said that some of the recommendations on flooding implemented as described in report paragraph 5.6 had come out of the scrutiny review that she had chaired; this showed the value of overview and scrutiny.
- 52.4 The representative of Smiths Gore and Assistant Director answered questions on management fees, soil management, animal welfare, the Asset Management Strategies, Local Development Framework and the Downland Initiative.
- 52.5 Brighton and Hove had not been directly affected by recent Foot and Mouth disease outbreaks (other than possibly, late rental payments linked with reduced farming profitability) but local farms could be directly vulnerable in future. The Council and managing agents seek to ensure that tenants maintained biosecurity measures including, should they be necessary in future, Ministry restrictions on animal movements.
- 52.6 52.6 Replying to a question on non-core assets , the Assistant Director clarified that these were assets that were not necessarily operational - ie farm cottages. Reviews are undertaken on a farm by farm basis to assess non-core assets for possible disposal and any proposal and business case would be taken to Policy & Resources Committee for a decision.
- 52.7 Members asked for an overview of the Downland Initiative to be presented to a future OSOC meeting.
- 52.8 **RESOLVED:** - that an overview of the Downland Initiative be reported to a future meeting. **AD/MvB**
- 53. COMMUNAL HEATING BOILERS**
- 53.1 The Committee considered a report of the Interim Director of Housing concerning the actions taken to improve maintenance of communal heating systems following the failure of the heating system boilers at Leach Court and Patching Lodge. (See minute book)
- 53.2 Some Members felt that more detail was needed for example on current developments at Leach Court and Patching Lodge development where a proposed CHP connection now had a mis-match of power supplies. Implications for carbon sustainability and performance of partnership contracts were questioned.
- 53.3 It was agreed that the queries would be taken forward to the Housing 'Overview' session scheduled for OSOC on 21 April. **PM/MvB**

53.4 The Committee felt that with the agreement of the Chairman it would be useful for the report to be made available at the Housing Management Sub-Committee the following day. (15 January) **MvB**

53.5 **RESOLVED:** - that the report be noted.

**54. SCRUTINY PROVISIONS IN THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

54.1 The Committee considered a report of the Director of Strategy & Governance concerning the new provisions in the Local Government and Public Involvement in Health Act 2007 for overview and scrutiny arrangements that will most likely need to be in place in Brighton & Hove by May 2008. (See minute book)

54.2 It was noted that guidance is awaited from the Secretary of State on how the new scrutiny provisions will operate.

54.3 At report paragraph 3.2, 'Crime and Disorder Act 2006' should be replaced by 'Police and Justice Act 2006.' The reference at 4.1.4(i) to a Member being empowered by the Council relates to the arrangements specified in section 236 of the Local Government and Public Involvement in Health Act 2007, whereby a Member could – where permitted – discharge an executive or council function within his/her own ward. In practice, however, such arrangements are not suited to any authority such as Brighton & Hove where wards are represented by more than one councillor.

54.4 **RESOLVED:** - that the report be noted

**55. REQUESTS FOR SCRUTINY**

*[Note that this item was considered after item 52]*

Councillor Duncan advised that although he did not have a personal and prejudicial interest in this item, he felt the committee should be aware that he had given evidence at a public inquiry regarding the compulsory purchase of land re: the waste incinerator.

55.1 The Committee considered a report of the Director of Strategy & Governance concerning four separate requests for scrutiny submitted during October, November and December regarding the Waste Management Contract, Consultation on Parking Zone W, Dual Diagnosis and Falmer Academy. (See minute book)

55.2 The Principal Solicitor emphasised that the education-related scrutiny request would need to be determined by CYPOSC which included co-optees, taking into account any recommendations from OSOC.

55.3 Because of limited resources the Committee would need to prioritise scrutiny activities so it was suggested that each request and officer

comment would be heard individually, followed by an overall discussion.

- 55.4 The Committee was also informed that because Councillors Kemble and Peltzer Dunn had served on the Environment Committee when decisions on parking zones were made, they had personal and prejudicial interests and were therefore unable to attend the meeting and present their request for scrutiny.
- 55.5 In presenting his request for scrutiny of the waste management contract Councillor Allen said he had not seen the Policy and Resources Part 2 papers. He referred to the high expenditure on waste management and said he felt reassurance was needed on the advice given to Members and on the decisions made. A scrutiny review need not last as long as the report suggested, in his view.
- 55.6 The Assistant Director, CityClean and CityParks pointed out the complexity of the waste management contract and said critical activities were under way at present. The outcome of these would be known around May would help inform any future re-consideration of the request.
- 55.7 Following a vote it was agreed that the request would be deferred until May. **MvB/  
JV-H**
- 55.8 The Committee considered the request for scrutiny of the consultation on Parking Zone W. The view was expressed that it would be beneficial for the Environment Committee to consider the wider issues of parking control as soon as possible and the Assistant Director, Sustainable Transport confirmed that Environment Committee on 24<sup>th</sup> January would receive a report on parking zone consultation. After discussion it was agreed that the request be deferred until the outcome of the ombudsman's investigation was known. **MvB/MP**
- 55.9 Councillor Wrighton gave a full presentation of her request for scrutiny of dual diagnosis of mental health/substance misuse. She said there were significant gaps in services and also some examples of good practice in the City. She felt that even with limited resources real improvements to services could be achieved by better joint working between agencies.
- 55.10 The Head of Single Homeless, Rough Sleepers and Support Services introduced the Director of CRI, a service organisation commissioned by the Council and by the Primary Care Trust to provide non-prescribed substance misuse services. He referred to the Department of Health good practice guide 2002 which places mental health services as the lead agency.
- 55.11 Dual diagnosis placed considerable additional costs on other statutory services. The review of the Single Homeless Strategy referred to dual

diagnosis, but Housing services were limited in what they could provide.

- 55.12 The Director, CRI said there was close working between the CRI and the Sussex Partnership Trust and ways of working were being simplified. However there was some difficulty for dual diagnosis patients/clients in accessing mental health support.
- 55.13 After a discussion the Committee agreed to establish a four-member Panel including one Member from each Group of whom at least one was a Member of the Health Overview and Scrutiny Committee. The Committee gave authority for an initial scoping meeting to establish the terms of reference, but the aim of the Panel should be to report findings and recommendations by May 2008. **MvB/GR**
- 55.14 Councillor Duncan spoke about his request for scrutiny of Falmer Academy. He was particularly concerned about a foreseeable funding shortfall. He felt an overview was needed at this stage because a decision on whether or not to go ahead may need to be taken hastily because of the introduction of new governance arrangements. A scrutiny would be complex and therefore would take time to be established. Any recommendations would have to be agreed before any contracts were signed.
- 55.15 The Assistant Director, Schools said he understood Members' concerns. There had been a long discussion at CYPOSC. There were on-going discussions including with the Department for Children Schools and Families. He would be keeping Members informed and decisions would not be taken before Members were involved. The 4- Member Falmer Project Board was established.
- 55.16 The Committee agreed to refer the request for scrutiny to CYPOSC for determination, with the recommendation that no panel be set up at present but that CYPOSC receives progress reports on the academy proposals. **MvB/JA**  
**/JR**
- 55.17 **RESOLVED:** - that the request relating to the waste management contract be deferred until May.

That the request relating to the parking zone W consultation be deferred until the outcome of the ombudsman's investigation is known.

That a four-Member Panel be established to review dual diagnosis as minuted above at 55.13.

That the request for scrutiny of Falmer Academy be referred to CYPOSC for determination with the recommendation that no panel be set up at present but that CYPOSC receives progress reports on the academy proposals.

## 56. CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY

**COMMITTEE – 20 NOVEMBER 2007**

56.1 The Committee noted the draft minutes of the meeting of the Children and Young People’s Overview and Scrutiny Committee held on 20 November 2007. (See minute book)

**57. HEALTH OVERVIEW AND SCRUTINY COMMITTEE – 28 NOVEMBER 2007**

57.1 The Committee noted the draft minutes of the meeting of the Health Overview and Scrutiny Committee held on 28 November 2007. (See minute book)

**58. AUDIT PANEL – 26 NOVEMBER 2007**

58.1 The Committee noted the summary of proceedings of the meeting of the Audit Panel held on 26 November 2007. (See minute book)

**59. FORWARD PLAN**

59.1 The Committee noted the items proposed for the next meeting of OSOC on 10 March 2008. **MvB**

**60. ITEMS TO GO FORWARD TO COUNCIL**

60.1 There were none

The meeting concluded at 7.30pm

Signed Chairman

Dated this day of 2008