

BRIGHTON & HOVE CITY COUNCIL
OVERVIEW & SCRUTINY COMMISSION
4.00PM 21 APRIL 2009
COUNCIL CHAMBER, HOVE TOWN HALL
MINUTES

Present: Councillors Mitchell (Chairman); Alford, Mrs Cobb, Elgood, Meadows, Morgan, Older, Pidgeon (Deputy Chairman), Randall and Wakefield-Jarrett

PART ONE

104. PROCEDURAL BUSINESS

104a Declarations of Interests

There were none

104b Declarations of Substitutes

There were none

104c Declarations of Party Whip

There were none

104d Exclusion of Press and Public

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.

RESOLVED: That the press and public be excluded from the meeting during consideration of item 114.

The Chairman told the meeting that because of technical problems the meeting was not being webcast.

105. MINUTES OF THE PREVIOUS MEETINGS

105.1 Councillor Alford said under item 98 – Targeted Budget Management TBM Month 9 - there had been a question on gas inspections in the Housing Revenue Account. The Scrutiny Support Officer would follow this up.

105.2 RESOLVED; that subject to 105.1, the minutes of the meetings held on 3 March and 10 March be agreed and signed by the Chairman.

106. CHAIRMAN'S COMMUNICATIONS

106.1 The Chairman welcomed Ed Hammond, Research and Information Manager of the Centre for Public Scrutiny to the meeting.

106.2 With the agreement of the Chairman, item 109 was considered before item 108.

107. PRESENTATION ON DEVELOPING SCRUTINY

107.1 The CfPS Research and Information Manager gave a presentation on Developing Scrutiny. He said in general across the country it had taken a number of years to develop strong and sustained quality scrutiny outcomes. It would take time for Brighton and Hove City Council to develop a successful scrutiny system but it has an advantage over other Local Authorities in that it could draw on experience elsewhere.

107.2 Ed Hammond outlined the four principles of public scrutiny:

- a) Provide critical friend challenge to executives as well as external authorities and agencies
- b) Reflect the voice and concerns of the public and its communities
- c) Take the lead and own the scrutiny process on behalf of the public
- d) Make an impact on the delivery of public services

107.3 He said that scrutiny should not be party political and should be objective and based on evidence; though not necessarily shying away from what he called para-political debate. It was a constructive process, focussing on the future, not 'anti-Executive' or duplicating existing work but relevant topics aligned with Council and Local Strategic Partnership objectives.

107.4 Scrutiny had the advantage that it could actively cut across many organisations to have a positive impact, especially in relation to the area focus of the Comprehensive Area Assessment. It could help bring in partners, and overcome 'silo' working in organisations.

107.5 Though there may not be easy relations with the Executive and Partnerships there needed to be collaboration and there were many ways to be constructive. With new legislation opportunities for closer working between scrutiny and partners organisations have increased.

107.6 Answering questions he said the national average of scrutiny support officers was 3, ranging from 0 – 23. A good way to attract further resources was to demonstrate the value of the process to the authority; however this would be over very long time-scales. Scrutiny recommendations stood on their merits and over time, if administrations changed and

members with scrutiny experience moved to Executive, the Executive could be found to be more open to recommendations.

107.7 It was sometimes difficult to maintain independence from the Executive and at the same time identify useful matters for scrutiny. In devising a work plan it would be worthwhile to try to manage expectations and identify the risks at the outset; if recommendations were not all agreed by the decision-makers at least there had been discussion.

107.8 Scrutiny can be used to look to the future and learn from high performing areas.

107.9 Regarding public engagement, Ed Hammond said that nationally scrutiny is generally not good at getting effective evidence from the public. He said that other than traditional public meetings and surveys, alternative ways included co-option and working with Panels in developing recommendations. Some scrutiny committees developed a set of criteria to judge the importance of a matter for scrutiny, such as whether the cabinet had suggested it.

107.10 LSP partners may view O&S as a way to provide an independent view of their work.

107.11 Members and officers could contact the Centre for Public scrutiny for advice and help.

107.12 The Chairman thanked Ed Hammond for his presentation.

108. ACCESS: TRADERS' OBJECTS ON THE HIGHWAY

108.1 The Commission considered the report on Traders' objects on the Highway and welcomed progress on this work.

108.2 Councillors were pleased that existing practices were being set as non-negotiable, minimum standard for all officer-issued licences.

108.3 The Commission agreed that, how Council places objects, should be included in the remit of the scrutiny panel that had been established. New proposals would also be considered by the Panel, such as production of Lifetime Neighbourhoods; shared social spaces that do not exclude older people, the frail or disabled.

108.4 The Head of Highways Network Management said it was important that the Disability Discrimination Act requirements have been considered when applied to traders' objects on the highway.

108.5 The Highways Enforcement Team licences and enforces the placement of traders' objects on the highway, and of items associated with building works. Placement of council objects involved other teams.

108.6 Asked about bikes attached to railings, the Senior Highways Enforcement Officer explained the process for removing these and why there could be a time lapse. Some Members felt that more bicycle stands were needed.

108.7 A member of the public suggested that the report to Licensing Committee on 24 April be withdrawn until the findings of the scrutiny review were known.

108.8 RESOLVED: (1) To note the proposed changes suggested by officers following Recommendation 10 and a review of the council's duties under the Disability Discrimination Act. The review's aim is to bring the policy on Traders' Objects on the Highway into line with the requirements of the Disability Discrimination Act 1995 and the Department for Transport's Inclusive Mobility Guidance, resulting in improvements to accessibility. The proposals also take into account the economic effect on the city and therefore do not seek a complete ban on all traders' placements on the highway.

(2) To note that these proposed changes have been made under officer delegated powers but will be presented to Licensing Committee on 24 April 2009 for member consideration. Officers recommendation is that these proposals go ahead in order to better reflect legal and good practice requirements but that a further review takes place during the coming year in order to examine to a greater extent the wide range of views and submissions on this subject and to inform any future policy for the city.

(3) That any review includes site visits with officers, Members and interested parties to relevant areas of the city.

(4) to note that the Scrutiny Panel membership and first meeting date would be finalised shortly

(5) that the Panel's remit would include how Council places objects, and the potential of new proposals such as production of Lifetime Neighbourhoods.

109. COMPREHENSIVE AREA ASSESSMENT

109.1 The Performance Analyst gave an update on the process and timescales for the Comprehensive Area Assessment and answered questions.

109.2 The Green Flag scheme was expected to be like the current Beacon scheme indicating exceptional success and the red flag given where there were no prospects of turning around performance.

109.3 Under the CAA, comparisons between local authorities' organisation assessments would be similar to the former Comprehensive Performance Assessment and benchmarking would be possible. However comparison between area assessments may not be as clear.

109.4 The Performance Analyst said the council would be performance managed on all the National Indicator set – not only those in the Local Area Agreement. Initial findings were expected at the end of June

109.5 RESOLVED: that the information be noted.

110. REPORT OF THE SCRUTINY PANEL ON DUAL DIAGNOSIS

110.1 The Chairman of the Dual Diagnosis Scrutiny Panel Councillor Watkins introduced the report and thanked Councillor Wrighton who had raised the matter for scrutiny and Councillors

Young, Taylor and Hawkes who had served on the Panel. The work done by the Panel would be relevant nationally, as this was not being done elsewhere.

110.2 He said the Panel had found that finance was not the main issue but instead how to use the available resources.

110.3 Stressing the importance of the issue which affected individuals' lives, Councillor Watkins wholeheartedly commended the report and asked that the OSC as parent O&S Committee monitor the outcomes. Many outside bodies had provided evidence and now had high expectations he said.

110.4 The Scrutiny officer in support of the Panel was congratulated.

110.5 RESOLVED (1) that the Commission endorse the Dual Diagnosis scrutiny report.

(2) that the recommendations be referred to Cabinet and to the appropriate partner organisations.

(3) that agreed actions be monitored by the Commission or appropriate Scrutiny Committee

111. DEMENTIA SELECT COMMITTEE

111.1 The Head of Scrutiny introduced the report suggesting a select committee on dementia be established, to include a Member of the Local Involvement Network, LINK. He stated that the proposal broadly had cross-party support.

111.2 The Commission agreed that this was an important matter for the City which did warrant an in-depth select committee scrutiny review.

111.3 RESOLVED; that a Select Committee be established to look at the development of a Dementia Strategy as outlined in the report. The Committee to include a member of LINK as non-voting co-optee.

112. STUDENTS IN THE COMMUNITY

112.1 Councillor Anne Meadows in her role as Chairman of the Scrutiny Panel, introduced the Scrutiny Report on Students in the Community that had been endorsed by the Adult Social care and Housing Overview and Scrutiny Committee. The report was due to be considered by cabinet on 24 April with a recommendation to refer back to the Strategic Housing Board before returning to Cabinet.

112.2 Councillor Meadows was pleased with the Review and said it had been an inclusive piece of work, taking a Partnership approach and with residents, landlords, students and officer participation. All public meetings had been well-attended and there had been positive feedback.

112.3 Housing in Multiple Occupancy was taken to mean homes let to people let to more than 5 people who were not related, or homes with more than 3 storeys and let to people not related.

112.4 It was felt that all student lets should be run more formally as businesses and there was a suggestion that greater consideration of the positive value of universities and impact on local infrastructure and the relevant wards may be needed in developing the Core Strategy of the Local Development Framework.

112.5 Members said that additional evidence from Planning officers on the powers available to the Council would have been helpful.

112.6 RESOLVED: that the report and appendices be noted.

113. OSC WORK PLAN

113.1 Members noted the Overview and Scrutiny Commission Work Plan and agreed to add 'Risks to IT services' for 2009 – 2010. Councillor Elgood said he was asking again for a report on the Council's workforce minority groups and this was agreed.

114. CONFIDENTIAL - EXTRACT FROM THE MINUTES OF AUDIT COMMITTEE: CORPORATE RISK MANAGEMENT ACTION PLAN

115. ITEMS TO GO FORWARD TO CABINET MEMBER MEETING, CABINET OR COUNCIL

115 Item 110 (Dual Diagnosis scrutiny report) was being forwarded to Cabinet and to partner organisations and Item 112 (Students in the Community scrutiny report) was being referred to 23 April Cabinet.

The meeting concluded at 6.10pm

Signed

Chair

Dated this

day of