



Brighton & Hove  
City Council

# Overview & Scrutiny Committee

Title:	<b>Overview &amp; Scrutiny Committee</b>
Date:	<b>21 October 2013</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> Mitchell (Chair)  Janio, Brown, Kennedy, A Kitcat, K Norman, Phillips, Simson and Wilson
Contact:	<b>Giles Rossington</b> Acting Head of Scrutiny 01273 29111038 giles.rossington@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	<b>FIRE / EMERGENCY EVACUATION PROCEDURE</b>  If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions: <ul style="list-style-type: none"><li>• You should proceed calmly; do not run and do not use the lifts;</li><li>• Do not stop to collect personal belongings;</li><li>• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</li><li>• Do not re-enter the building until told that it is safe to do so.</li></ul>

**AGENDA**

<b>Part One</b>	<b>Page</b>
<b>7. APOLOGIES AND DECLARATIONS OF INTEREST</b>	<b>1 - 2</b>
<b>8. MINUTES</b>	<b>3 - 6</b>
To consider the minutes of the meeting held on 15 July 2013.	
<b>9. CHAIRS COMMUNICATIONS</b>	
<b>10. BUDGET SCRUTINY (2013-14)</b>	<b>7 - 12</b>
<i>Contact Officer: Giles Rossington, Senior Scrutiny Officer Tel: 01273 291038</i>	
<i>Ward Affected: All Wards</i>	
<b>11. OSC DRAFT WORK PLAN/SCRUTINY UPDATE</b>	<b>13 - 14</b>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Mary van Beinum, (01273 291110, email [giles.rossington@brighton-hove.gov.uk](mailto:giles.rossington@brighton-hove.gov.uk)) or email [scrutiny@brighton-hove.gov.uk](mailto:scrutiny@brighton-hove.gov.uk)

## **A. Declaration of Substitutes**

Where a Member of the Overview and Scrutiny Committee is unable to attend a meeting for whatever reason, a substitute Member attend and speak and vote in their place for that meeting. Substitutes are not allowed on Scrutiny Select Committees or Scrutiny Panels.

The substitute Member shall be a Member of the Council drawn from the same political group as the Member who is unable to attend the meeting, and must not already be a Member of the Overview and Scrutiny Committee. The substitute Member must declare themselves as a substitute, and be minuted as such, at the beginning of the meeting or as soon as they arrive.

## **B. Declarations of Interest**

- (1) To seek declarations of any personal or personal & prejudicial interests under Part 2 of the Code of Conduct for Members in relation to matters on the Agenda. Members who do declare such interests are required to clearly describe the nature of the interest.
- (2) A Member of the Overview and Scrutiny Committee, Scrutiny Panel or other scrutiny body has a prejudicial interest in any business at meeting of that Committee where –
  - (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken the Member was
    - (i) a Member of the Executive or that committee, sub-committee, joint committee or joint sub-committee and
    - (ii) was present when the decision was made or action taken.
- (3) If the interest is a prejudicial interest, the Code requires the Member concerned:-
  - (a) to leave the room or chamber where the meeting takes place while the item in respect of which the declaration is made is under consideration. [There are three exceptions to this rule which are set out at paragraph (4) below].
  - (b) not to exercise executive functions in relation to that business and
  - (c) not to seek improperly to influence a decision about that business.

(4) The circumstances in which a Member who has declared a prejudicial interest is permitted to remain while the item in respect of which the interest has been declared is under consideration are:-

(a) for the purpose of making representations, answering questions or giving evidence relating to the item, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, BUT the Member must leave immediately after he/she has made the representations, answered the questions, or given the evidence,

(b) if the Member has obtained a dispensation from the Audit and Standards Committee, or

(c) if the Member is the Leader or a Policy Committee Member and has been required to attend before an Overview and Scrutiny Committee or Sub-Committee to answer questions.

### **C. Declaration of party whip**

To seek declarations of the existence and nature of any party whip in relation to any matter on the Agenda.

### **D. Exclusion of press and public**

To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is confidential and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.*

**BRIGHTON & HOVE CITY COUNCIL**  
**OVERVIEW & SCRUTINY COMMITTEE**  
**2.00pm 15 JULY 2013**  
**COUNCIL CHAMBER, HOVE TOWN HALL**  
**MINUTES**

**Present:** Councillor Mitchell (Chair), Councillor Janio (Deputy Chair), Brown, Davey, Kennedy, K Norman, Phillips, Wilson and Bowden

**PART ONE**

**1. APOLOGIES AND DECLARATIONS OF INTEREST**

**1. PROCEDURAL BUSINESS**

Councillor Gill Mitchell the Chair of Overview and Scrutiny Committee welcomed everyone to the meeting.

**1a Declarations of Substitutes**

1.1 Councillor Bowden was substituting for Councillor A Kitcat.

**1b Declarations of Interests**

There were none.

**1c Declaration of Party Whip**

There were none.

**1d 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 not excluded from the meeting.

**2. MINUTES**

2.1 The minutes of the meeting held on 28 January 2013 were agreed and signed by the Chair.

**3. CHAIRS COMMUNICATIONS**

3.1 There were none.

3.2 Deputy Chair of the Overview and Scrutiny Committee Councillor Janio stated, that a Member of the Conservative Group (being the largest opposition group) should take the position as Chair of OSC; and he would be pursuing this.

#### **4. REPORT OF THE SCRUTINY PANEL ON PUBLICLY ACCESSIBLE TOILETS**

4.1 The Chair of the Scrutiny Panel on Publicly Accessible Toilets Councillor Amy Kennedy introduced the Panel's report.

4.2 On behalf of the Panel Councillor Kennedy expressed her particular thanks to all those taking part and giving evidence. The Panel found that the service was provided by different council teams, so the knowledge and experience of Jenny Cooke of CityClean who had worked and managed the service for many years had been invaluable.

4.3 Councillor Kennedy thanked her fellow Panel Members, Councillors Denise Cobb and Alan Robins plus John Eyles, Older Peoples' Council co-optee. Recommendations were set out in section 3 of the report and OSC was asked to endorse the report.

4.4 A member of the public who had posed as a 'mystery shopper,' tourist at Brighton and Hove Town Halls told the meeting he was disappointed that a list of publicly accessible toilets was not easy to find. It was agreed that an additional sentence would be added to the report.

4.5 OSC Members discussed issues including the Late Night Levy, disposal of sites, Changing Places provision, assessing the costs of the service, the possible use of s106 planning obligations and the council's power, rather than its duty, to provide toilets.

4.6 Councillor Kennedy said the Panel were all agreed there should be more, not fewer, publicly accessible toilets. The Panel had noted the various council teams and external organisations that provided the service. An Action Plan as recommended would be more coherent and would involve a business plan for toilets directly owned by the council.

4.7 OSC Members were pleased with the clear layout of the report and thanked the scrutiny officer Karen Amsden for her brilliant work.

**4.8 Resolved;** Subject to the addition of a sentence (minute 4.4 refers) that OSC endorse the report and recommendations and refer it for consideration to the relevant decision-making bodies.

#### **5. EQUALITY AND INCLUSION POLICY PROGRESS REPORT**

5.1 The Equalities Coordinator, Sarah Tighe-Ford, introduced the report on Equality and Inclusion, part of the regular commitment to report progress against the corporate action plan.

5.2 The report set out areas of good practice, including the review of the Equality Steering Group and Workforce Equality Group, and re-establishment of Directorate equality groups. This progress report has also been shared with Community and Voluntary organisations.

5.3 The review of the Workforce Equalities Action Plan had been agreed at 11 July Policy and Resources Committee. That report was included as an annexe on today's agenda.

5.4 Answering questions on the balance between addressing major equalities issues for small groups of people, compared with smaller issues for larger groups the Equalities Coordinator pointed out the Council's legal duties under the Equality Act 2010. There are nine groups with 'protected characteristics' under the Act which we are legally obliged to pay 'due regard' to. However our Equality Impact Assessment process is also helpful in considering other social inclusion groups.

5.5 Equalities monitoring questions need to be asked in the appropriate way, to increase response rates, help reduce barriers and enable us to make best use of the information.

5.6 Regarding the Age-Friendly City initiative, that had clearly defined WHO criteria, the Communities and Equality Team had a place on the steering group. 'Age' is a protected characteristic and covered in all Equality Impact Assessments; positive use can be made of the monitoring data gathered by services across a range of activities, including this project.

5.7 On resourcing equalities issues, the Equalities Coordinator pointed out that the Equality Impact Assessment (EIA) process has been revised and streamlined. EIAs had to evidence 'due regard' to enable the council to meet its legal equality duties. Consideration of equality issues should be a usual part of service activity.

**5.8 Resolved:** that OSC note:

- 1) Progress and good practice within the equality action plan
- 2) Areas of challenge and work in progress to address these
- 3) The new Equality Impact Assessment process and the council's commitment to this as the process for meeting our equality duties
- 4) The review process for the action plan

## **6. OSC WORK PROGRAMME: UPDATE**

6.1 The Acting Head of Scrutiny Giles Rossington introduced the report on the OSC work programme, and the factors to be taken into account in selecting topics for scrutiny. This report made recommendations against each scrutiny request as set out in Appendix 2.

6.2 Members who had Chaired or attended scrutiny workshops said these were an effective means of scrutiny. Different approaches to any topic for scrutiny were considered – whether via a panel, workshop or other means.

6.3 OSC discussed the requests for scrutiny (Appendices 1 and 2), bearing in mind available resources, corporate and citywide priorities and the potential for scrutiny action to have a positive effect on the matter.

6.4 It was agreed to establish scrutiny panels on Party Houses, Seafront Infrastructure and Models of Service Delivery. Workshops would be set up for Credit Unions/Payday Lenders and BHCC interactions with Debtors.

6.5 Regarding possible scrutiny action on the Community Engagement Framework and Community Use of School Playing Fields, it was agreed to ask for an officer report with further information to the next OSC.

6.6 **RESOLVED:**

- 1) that the information on the OSC work programme be noted (Appendix 1)
- 2) that the recommended actions in relation to each scrutiny request be agreed. (Appendix 2), as summarised above at minute 6.4.
- 3) that reports on Community Engagement Framework and Community Use of School Playing Fields be brought to a future OSC.

The meeting concluded at 3.30pm

Signed

Chair

Dated this

day of

<b>Subject:</b>	<b>Budget Scrutiny 2014-15: Planning</b>		
<b>Date of Meeting:</b>	<b>21 October 2013</b>		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Giles Rossington</b>	<b>Tel: 29-1038</b>
	<b>Email:</b>	<b>Giles.rossington@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 For a number of years BHCC Overview & Scrutiny committees have examined the administration's draft plans for the forthcoming budget, and fed back their comments prior to formal budget decision-making at P&R and Full Council.
- 1.2 The form taken by budget scrutiny has changed over the years, in response to alterations in the Council's governance structure, emerging best practice at a regional/national level, and an evolving understanding of what works well in a local context.
- 1.3 It is proposed that scrutiny of this year's budget plans should consist of:
  - a thematic consideration of the draft budget plans which seeks to evaluate the proposed investments, savings and allied service changes against the short and medium term targets and commitments embodied in the Council's Corporate Plan;
  - plus additional consideration of specific services or themed areas – to be agreed by OSC members.

More detail of these proposals is included in Part 3 to this report.

**2. RECOMMENDATIONS:**

- 2.1 That OSC members comment on and agree the proposed format for budget scrutiny as detailed in Part 3.
- 2.2 That OSC members agree on a set of specific issues/services to focus on in the second and third meetings of the 14-15 budget scrutiny process (as outlined in 3.6 below)

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 OSC scrutiny of the draft budget proposals has been undertaken for a number of years now and has become an integral part of the annual budget engagement and consultation process. However, it is important that scrutiny involvement in this process is as productive as possible, complementing, but not duplicating, other work around the budget - and particularly cross-party member involvement both prior to and following the publication of the draft budget strategy. In consequence budget scrutiny needs to evolve to reflect changing circumstances and best practice.
- 3.2 In past years budget scrutiny has tended to be centred around a fairly detailed examination of directorate budget plans. This has often produced valuable work, but it has the drawback of being similar to the cross party pre-decision work undertaken at 'star-chamber' and also to the analysis undertaken by each political group in preparation for Budget P&R and Budget Council. It also tends to 'lock' budget scrutiny into a model of seeing the budget as a set of more or less discrete directorate/departmental budgets rather than as an interconnected whole.
- 3.3 For 2014/15 we are proposing taking a slightly different approach to budget scrutiny. This will entail holding an initial session which seeks to place budget planning within the broader context of the Council's Corporate Plan and the Plan's 2013-15 priorities. The Corporate Plan both sets out the Council's high level priorities for the coming years and details the outcomes the organisation is committed to achieving. As such it is the obvious measure for gauging the degree to which the 2014-15 budget plans are fit for purpose in terms of achieving our corporate goals – it provides the high-level, holistic overview of what the Council is doing that has been somewhat lacking in previous iterations of budget scrutiny.
- 3.4 The Corporate Plan is currently being refreshed, with the intention being to publish a revised version alongside both the 14-15 Budget Strategy and a refresh of the Council's Medium Term Financial Strategy. (A draft of the revised Plan will be made available to OSC to use in its budget scrutiny.) The fact that the Council's administration is explicitly linking budget planning with the revision of the Corporate Plan further suggests that OSC focus will be potentially useful to the organisation.
- 3.5 Valuable as the Corporate Plan may be in terms of setting the 14-15 budget plans in the broadest strategic context, it does have some limitations. Perhaps the most obvious is that a large percentage of any local authority's budget is spent in providing a range of statutory services in areas such as adult social care, children's social care, waste collection etc. In these areas there tends to be limited opportunity for local flexing of provision – the core of services is going to look the same from council to council because it is essentially dictated nationally and there is therefore relatively little connection between these spending plans and corporate strategic planning – we can't choose not to provide these services, although there may be the opportunity to provide them in different ways or at a lower cost. There is a danger therefore that a budget scrutiny undertaken solely via the Corporate Plan would fail to capture the entirety of thinking around some very important and very high cost services.

- 3.6 It is therefore proposed that we hold further meetings to look at high spend/high impact areas that are unlikely to form a core focus of the corporate plan.
- 3.7 In addition, we want to give members the opportunity to focus on areas that specifically interest them, without going too far into operational details (where there are alternative routes for member involvement). The areas so far suggested are:
- Services with a history of failing to achieve agreed budget savings
  - High spend services where benchmarking suggests problems in terms of cost or quality or both
  - Welfare reform – what additional funding will still need to be available to mitigate any negative impacts of welfare reform, particularly in terms of what happens after transitional relief funding ends.
- 3.8 In short, we are proposing to conduct the 14-15 budget scrutiny via three panel meetings:
- the first meeting will focus on the interaction between the Council's draft Budget Strategy and the Corporate Plan;
  - the second and third meetings will focus on high spend services, on services with historical problems achieving their agreed budget savings, and on other specific issues identified by members. The list of specific issues at 3.6 is not intended to be final: members are invited to suggest alternative issues that they would like to see scrutinised.
- 3.9 Panel meetings will be held between early December 2013 (the draft Budget Strategy is to be considered at 05 December P&R) and mid January 2014 (with a report and recommendations to be agreed at 27 January OSC for consideration at February Budget P&R).
- 3.10 Past budget scrutiny processes have benefited from the valuable input of the city community & voluntary sector and our local business community. We propose that the Chamber of Commerce and CVSF be again invited to take an active role in budget scrutiny for 14-15.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 A copy of this report has been shared for comment with the Brighton & Hove Community & Voluntary Sector Forum and with the Brighton & Hove Chamber of Commerce. Both organisations had members co-opted on to the previous budget scrutiny panel and the intention is to invite them to take part in this year's budget scrutiny also. CVSF have already indicated that they are happy to take part.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

- 5.1 Scrutiny of budget proposals is a key part of the budget process and informs Policy & Resources Committee in considering the budget and Medium Term Financial Strategy. The recommendations to this report on the proposed format for scrutiny have no direct financial implications.

*Finance Officer Consulted: Anne Silley*

*Date: 09/10/13*

Legal Implications:

- 5.2 Under the council's constitution, the Overview and Scrutiny Committee is entitled to establish a scrutiny review panel but, before agreeing to do so, must have regard to a number of factors including –
- (i) the importance of the matter raised and the extent to which it relates to the achievement of the council's strategic priorities
  - (ii) the potential benefits of a review
  - (iii) what other avenues may be available to deal with the issue and their likely effectiveness
  - (iv) the proposed scrutiny approach and resources required
  - (v) the capacity of the committee to conduct the scrutiny

*Lawyer Consulted: Oliver Dixon*

*Date: 09/10/13*

Equalities Implications:

- 5.3 An EIA has not been undertaken in relation to this report. It is intended that budget scrutiny panel members will be supported with information pertaining to the potential impact of budget plans upon protected groups, but no detailed preparatory work is possible in relation to this until the Council's draft budget strategy is published (late Nov/early Dec 13)

Sustainability Implications:

- 5.4 None directly. Members may wish to pay particular attention to Sustainability or any other issues as part of the 14/15 budget scrutiny.

Crime & Disorder Implications:

- 5.5 None directly. Members may wish to pay particular attention to Crime & Disorder or any other issues as part of the 14/15 budget scrutiny.

Risk and Opportunity Management Implications:

- 5.6 The proposed 14/15 budget scrutiny process is intended to best use the time of scrutiny members and to ensure that budget scrutiny complements other aspects of the broad process of budget setting and engagement.

Public Health Implications:

- 5.7 None directly. Members may wish to pay particular attention to Public Health or any other issues as part of the 14/15 budget scrutiny.

Corporate / Citywide Implications:

5.8 The proposed 14/15 budget scrutiny process is intended to allow members to determine the degree to which the Council's strategic Corporate Plan commitments align with its 14/15 budget strategy.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 In past years budget scrutiny has tended to focus on the details of departmental budgeting rather than attempting a holistic overview of financial planning. We could have repeated the 13/14 budget scrutiny process, but felt that its relative lack of a process to gain a strategic overview, and its tendency to duplicate other member-led work on the budget plans, meant that the alternative proposed in this report was preferable.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 This report seeks OSC member approval to establish a 14/15 budget scrutiny panel.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents in Members' Rooms**

None

**Background Documents**

None



## AGENDA ITEM 11

### Panels update – October 2013

**Youth Justice:** This has been a light- touch review panel, following the Youth Offending Service through its recent restructure and monitoring the team's work and outcomes.

The final panel meeting was due to take place in October 2013 but has just been postponed until early 2014 to allow for an external Ofsted review to take place in December. This review will focus on female offenders and alcohol.

The panel will reconvene post the publication of this review, to look at the issues that the review throws up. The panel has also been asked by our new Director of Children's Services to consider some additional issues including the degree to which the YOS is 'owned' and funded by city partners, and arrangements for the YOS board.

**Homelessness:** The evidence gathering meetings have been completed and a set of recommendations agreed with the panel. The report is now being written up and will be presented to the HWOSC meeting on November 5<sup>th</sup> 2013

**Alcohol:** The following three topics were suggested by the Alcohol Programme Board, as areas that could be usefully investigated further:

**1) Alcohol free events:** We have had our meeting, where representatives of the local Licensing Association, supermarkets and pubs met with council and police officers. The intention was to look at alcohol free events in the city, but it was clear that there was more scope in looking at alcohol-controlled events, and how public and private sector partners can work in partnership. The panel have come up with a number of recommendations including trying to support local traders in running alcohol controlled events, considering more alternative alcohol free drinks

**2) Licensing policy review/retail:** Panel members are going to meet with Tim Nichols on 3<sup>rd</sup> October to review the local Statement of Licensing Policy and make suggestions for areas that can be reviewed

**3) Responsible drinking:** This panel intends to talk to universities, local tourism managers, and other relevant parties about how they promote alternatives to drinking alcohol and responsible drinking. The date is to be arranged but will hopefully happen before Christmas

**Social Value:** The panel members have been selected and the panel is due to commence in Feb/March 2014.

**Services for children with Autistic Spectrum Conditions:** The panel has held two evidence gathering panel meetings in September 2013. They are due to hold at least a further two evidence gathering meetings in the coming months.

**Bullying in Schools:** The panel has held three evidence gathering meetings and the draft report and recommendations are currently being written up. The report of the panel is due to go to the Health Wellbeing Overview & Scrutiny Committee on February 4<sup>th</sup> 2014.

**Community Engagement Framework:** Scrutiny have discussed this with the Communities Team and we hope to run a workshop on the issue in early 2014.

**Seafront Infrastructure:** The review is in the early scoping stage.

**Models of Service Delivery:** This review will follow the completion of the work on ASC Future Service Delivery Models.

**Party Houses:** This review is in the scoping stage.

**Community use of school playing fields:** Scrutiny has had initial conversations with the Director of Children's Services who is keen to progress the issue. Further work is continuing on the project.

**Adult Care Future Service Delivery Models:** The panel has held two informal meetings considering a range of possible service models for ASC Provider services. The minutes from these meetings and a series of recommendations from the panel members will inform a report to P&R in late 2013.

**Financial Inclusion work:** the following three areas are going to be looked at together in 2014 to co-ordinate with the work of the Policy and Public Health teams:

- 1) **Benefit Changes/financial inclusion**
- 2) **Credit unions/payday loans**
- 3) **BHCC interactions with debtors**