

Subject:	Annual Report Overview and Scrutiny 2007- 2008		
Date of Meeting:	17 July 2008		
Report of:	Chairman of Former Overview and Scrutiny Organisation Committee		
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Wards Affected:	All		

For General Release

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report details the work undertaken by the Overview and Scrutiny Committees and Panels at Brighton & Hove City Council during the year 2007-2008.

2. RECOMMENDATIONS:

- 2.1 That the report be presented to the next available meeting of full Council by the Chairman of OSOC, who also Chaired Health Overview and Scrutiny Committee and the Children and Young People's Overview and Scrutiny Committee during the year.

3. BACKGROUND INFORMATION:

Background

- 3.1 This Annual Report of Overview and Scrutiny is the last under the committee-based constitutional arrangements for Brighton & Hove. The introduction of cabinet-style decision-making is expected to have a significant impact on the future work of overview and scrutiny.
- 3.2 During 2007/2008 Overview and scrutiny has continued to form an integral part of the committee structure by holding the decision-making committees to account and by playing a key role in monitoring performance to ensure the delivery of high quality services.
- 3.3 The Overview and Scrutiny Organisation Committee (OSOC) is responsible for administering the Council's overview and scrutiny function. OSOC has

two sub-committees; the Children and Young People's Overview and Scrutiny Committee (CYPOSC) and the Health Overview and Scrutiny Committee (HOSC). There is also a standing sub-group of OSOC, the Audit Panel which meets in non-public session.

- 3.4 The committees overview performance and monitor services and policies; where necessary they can form in-depth Scrutiny Panels to investigate issues, report findings and make recommendations to the decision-makers.
- 3.5 The OSOC and the CYPOSC may determine requests made in exceptional circumstances to call in, or reconsider, a decision made by the executive committees but not yet implemented.

4. Overview and Scrutiny arrangements

- 4.1 From May 2007, Councillor Jan Young chaired all three scrutiny committees OSOC, CYPOSC and HOSC. Councillor Dawn Barnett served as OSOC Deputy Chairman. Councillor Peltzer Dunn was appointed Deputy Chairman of CYPOSC and Councillor Kevin Allen was Deputy Chairman of HOSC.
- 4.2 OSOC comprised 11 elected Members.
- 4.3 CYPOSC comprised 10 elected Members, 4 Statutory co-optees with Voting Rights and 4 non-statutory Co-optees without Voting Rights.
- 4.4 HOSC comprised ten Councillors and 5 co-optees from health organisations, patients' fora and the Older People's Council. The Deputy Chairs were Councillors Bennett and Young.
- 4.5 The work undertaken by CYPOSC and HOSC in 2007-08 is detailed in sections 8 and 9 below.
- 4.6 The Audit Panel, a standing sub-group of OSOC continued to meet to consider matters of financial control, risk management, performance and governance and to provide an additional framework to help Overview & Scrutiny Members to identify key challenges and successes. See section 10 below.
- 4.7 4.6 The scrutiny function is supported by the Principal Solicitor (Governance) and four scrutiny support officers (3 FTE's) who assist in managing and coordinating the work of the scrutiny committees and panels.

5. Scrutiny Reviews

Street Trees Scrutiny Review

- 5.1 At its January 2007 meeting, OSOC agreed to a request by former Councillor Edmond-Smith to carry out a review of Street Trees in Brighton and Hove. The Councillors nominated to sit on the Panel were Councillor Young (Chair), and Councillor Elgood, and former Councillors Hazelgrove and Paskins. The proximity of the local elections meant that this was designed as a 'light-touch' review and it completed its evidence-gathering before the local elections in May.
- 5.2 Recommendations related to
- a) The arboriculture budget and sources of income
 - b) Removal and commercial disposal of hazardous street trees
 - c) Draft Tree and Woodland Strategy
 - d) Inspection and maintenance of Council-owned street trees
 - e) Annual Stock report
 - f) Integrated working in areas close to street trees
 - g) Education and publicity
 - h) Trees on Housing land
 - i) Good practice in new street tree planting
 - j) Unnecessary application of asphalt to tree bases
- 5.3 The report of the Scrutiny Panel was endorsed, with an addition to a recommendation concerning the budget for tree provision on Council land, by OSOC at its meeting on 16 July.
- 5.4 The Environment Committee replied to the recommendations of the final report on 13 September and an officer report back to overview and scrutiny on implementation of the agreed actions has been requested for around a year after that date.

Dual Diagnosis Scrutiny Review

- 5.5 In January 2008 following a request from Councillor Wrighton, OSOC agreed to establish a scrutiny panel to investigate and suggest improvements to the provision of health, housing and support services for those in the community, who because of an actual or perceived co-existing substance misuse and mental health problem, fail to receive adequate medical and social care.
- 5.6 Panel Members are Councillors Watkins (Chairman), Hawkes, Taylor and Young.

5.7 At the time of writing, the review is at the information-gathering stage.

6. Overview and Scrutiny Organisation Committee (OSOC)

- 6.1 One way in which the OSOC fulfils its overview function is to focus on the work and performance of one directorate at each meeting, as well as receiving reports from all the service areas within their remit. During the current year, it heard from Strategy & Governance, Finance & Resources, Environment, Adult Social Care & Housing, discussing key areas of work with Directors and Lead Councillors.
- 6.2 During the year the Committee has endorsed the findings and recommendations of the Street Trees scrutiny review and as part of the monitoring process, has requested an officer report back on action taken in reply to the recommendations.
- 6.3 OSOC Members have suggested items for subsequent meetings and a number of issues have been brought forward in this way. These include preparedness for flooding, planning enforcement, absence management, parking management contract, carbon management programme and the Council's agricultural portfolio.
- 6.4 The Committee wrote to the Planning Applications Sub-Committee regarding the risks of flooding from various sources during consideration of proposed developments and asked for more details of gulley cleansing. At meetings in January and March officer reports on green roofs and on the Downland Initiative were requested, to future O&S meetings. After a discussion on the Local Strategic Partnership, a report on the governance arrangements was also asked for.
- 6.5 OSOC received and considered four scrutiny requests during 2007 – 2008. These related to the waste management contract, consultation on parking zone W, dual diagnosis (of mental health and substance misuse) and Falmer Academy.
- 6.6 OSOC considered all four requests at its January meeting and agreed to establish a four-member scrutiny panel on dual diagnosis.
- 6.7 The Committee referred the matter of the Falmer Academy to the CYPOSC with the recommendation that no panel be set up but that CYPOSC receive progress reports on the academy proposals.
- 6.8 On the request for scrutiny of parking zone consultation, OSOC resolved that this be deferred until the outcome of the ombudsman's investigation is known.

- 6.9 The request relating to the waste management contract was deferred until May.
- 6.10 The Committee has received updates on scrutiny reviews and monitored the outcomes of completed scrutiny reviews. For example, it received monitoring reports on implementation of the recommendations of three reviews: Access, Procurement and Housing Decision Procedures.
- 6.11 Scrutiny provisions in the Local Government (Public Involvement in Health) Act 2007 and Police and Justice Act (2006) which will have a significant impact on the scrutiny function, have been reported to the Committee.
- 6.12 OSOC gave its approval in June 2007 to HOSC joining a Joint Health Overview & Scrutiny Committee (JHOSC) to examine the forthcoming joint West Sussex and Brighton & Hove Primary Care Trust proposals to reconfigure regional NHS healthcare services ("Fit For the Future").
- 6.13 It also authorised in principle its sub-group, the Audit Panel to meet in private and public session, subject to an agreed protocol.
- 6.13 OSOC also received minutes from meetings of the HOSC, the JHOSC, CYPOSC, and the Audit Panel, as part of its co-ordination of the scrutiny function.

7. Children and Young People's Overview and Scrutiny Committee (CYPOSC)

- 7.1 The Children and Young People's Overview and Scrutiny Committee (CYPOSC) has the remit of overview and scrutiny of education and children's health and social care issues, mirroring the responsibilities of the new Children and Young People's Trust, a partnership of organisations aiming to deliver integrated children's services in Brighton and Hove.
- 7.2 After its first meeting of 2007-08, CYPOSC agreed to receive more focused overview sessions at its meetings, each focusing on an area of the work of Children and Young People's Trust under the headings of the Every Child Matters agenda – Be Healthy, Stay Safe, Enjoy and Achieve, Make a Positive Contribution, and Achieve Economic Well-being – with an emphasis on the performance of that service area. The committee took this opportunity to both understand more about the work of the various teams operating under the Children and Young People's Trust, and also to ask questions about priority areas and about performance.
- 7.3 The committee's received reports on a wide variety of issues, including alcohol and substance misuse, school attendance, mental health services commissioning and the authority's parenting strategy.

- 7.4 The committee was referred a petition received by council regarding the use of fingerprint identification systems in schools. The committee considered an initial report on the issue and resolved to look into the matter in greater depth. The committee contacted all schools in the city to determine how widely fingerprint identification systems were used, investigated the legal issues surrounding the use of the systems, and agreed that guidance could be issued to all schools to assist them in making decisions on whether to use the systems. This work represented a good use of the scrutiny process – fingerprinting systems in schools is a controversial subject, which has received a large amount of national attention. The committee was able to compile all the relevant information and offer guidance to schools to ensure decisions about whether to use the systems were taken openly and with the co-operation and participation of governors, students and parents.
- 7.5 The committee continued to receive Ofsted reports for all maintained schools in the city. The relevant section of the minutes of CYPOSC meetings are forwarded to the Children’s Trust Board. The committee also writes to the Head Teachers and Governors of outstanding schools to congratulate them on success. The committee extended this role this year to include receiving Ofsted reports for nurseries and early years settings and also Diocesan reports, helping the committee to keep an overview of all maintained education settings in the city.

8.0 Health Overview and Scrutiny Committee

- 8.1 The Health Overview & Scrutiny Committee (HOSC) has a remit which covers the scrutiny of health related matters, including examining local NHS Trusts and services commissioned by these Trusts.
- 8.2 During 2007-2008, the HOSC was extensively involved in scrutinising the “Fit For the Future” plans to reconfigure acute healthcare services in West Sussex and Brighton & Hove. This involved examining the Fit For the Future plans pertaining to Brighton & Hove healthcare at HOSC meetings, as well working together with colleagues from East Sussex, West Sussex, Portsmouth, Surrey and Hampshire on a formal Joint Health Overview & Scrutiny Committee (JHOSC) examining the impact of the proposals upon West Sussex and Brighton & Hove. The JHOSC recently published its Report on the Fit For the Future process (May 02 2008), and final NHS decisions on the reconfiguration plans are anticipated in July 2008.
- 8.3 During the course of the past year, the Committee was also involved in examining a number of other issues relating to the health of local residents. Topics covered included:

- Sussex Partnership NHS Trust's application to become an NHS Foundation Trust
- Plans to significantly alter Sussex Partnership Trust's services in Brighton & Hove (including the reconfiguration of Mill View Hospital and changes to the structure of the Community Mental Health Team)
- The City Strategic Commissioning Strategy
- The City-wide Estates Strategy (medium term planning for healthcare estates in the city, including plans to re-develop the Brighton General Hospital site, plans to re-develop city GP surgeries and plans to develop the city polyclinics network)
- Dentistry
- Delayed Transfers of Care (from acute hospital beds to the community)
- Local Involvement Networks (The Local Government and Public Involvement in Health Act (2007) created Local Involvement Networks (LINKs) to replace Patient & Public Involvement Forums (PPIFs) as organisations facilitating public involvement in health and social care)
- Maternity

8.4 Throughout 2007-2008, the HOSC has been extensively involved in partnership working with our local health partners (in Brighton & Hove City teaching Primary Care Trust, West Sussex Primary Care Trust, Brighton & Sussex University Hospitals Trust, South Downs Health NHS Trust, Sussex Partnership Trust, South East Coast Ambulance Trust and NHS South East Coast (the South East Strategic Health authority). The HOSC has also been closely involved with Scrutiny colleagues from across the region, both formally as part of the Fit For the Future process, and informally via a number of regional "networks".

9. Audit Panel

9.1 During 2007-08 the Audit Panel comprised councillors from all political groups who met in non-public session five times during the year: Councillor Watkins (Chairman) and Councillors Simpson, Randall and Young.

9.2 It provided the following in relation to the Council: -

- independent assurance of the adequacy of the risk management framework and the associated control environment;

- independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment;
 - assurance on the adequacy of the Council's audit arrangements;
 - to oversee the financial reporting process; and
 - to oversee the performance and risk management arrangements in the Council.
- 9.3 Under the Council's new governance arrangements the Audit Panel is scheduled to change to a full Audit Committee, meeting in public except where confidential business is being transacted.
- 9.4 During the year the Panel has received plans and reports on internal and external audit, risk management, the annual statements of account, internal control and governance, and quarterly performance monitoring reports. The Members have received direct verbal answers to key questions and where necessary further information has been brought to a future meeting, for example on the Education PFI and the security of data and information technology systems.
- 9.5 In considering the Annual Audit and Inspection Plan with representatives of the Audit Commission the Audit Panel has discussed their perspective of the Council's Value for Money, Use of Resources and Performance Management. A Risk Assessment process and approach to the preparation and production of the Council's Financial Statements has been reported to the Panel.
- 9.6 During the year the Panel considered a report on the effectiveness of the Council's system of internal audit and endorsed the Internal Audit Charter which sets out the purpose, role, responsibility, status and authority of internal auditing within the Council. Progress reports on local outcomes from the National Fraud Initiative and Citywide Anti-Fraud Campaign have also been presented. The Audit Panel received the first draft report on the Code of Corporate Governance for comment.
- 9.7 The Panel in March 2008 received information on the gas servicing works undertaken on Council-owned properties. In September 2007 it has considered its own Operation and Effectiveness and has resolved to review the collective and individual skills and training needs of each Audit Panel member.
- 9.8 The Members have stressed the importance to the future Audit Committee, of continuing to receive risk management reports and at the February 2008 meeting expressed the wish for health and safety risk monitoring including fire risk assessments for Council buildings including schools be taken forward to the new Audit Committee.

- 9.9 The main officer group in support of the Audit Panel has been the Internal Control and Risk Management Board comprising the Director of Finance & Resources, Head of Law and Deputy Monitoring Officer, the Risk Manager and the Head of Audit and Assurance Services.

10. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 10.1 There are no financial implications arising directly from this report.

Legal Implications:

- 10.2 A role of the OSC is to co-ordinate the production of an annual report to Council on the activity of the Overview and Scrutiny function.

Legal Officer Consulted: John Heys - 291558 Date: 07/0708

Equalities Implications:

- 10.3 Equalities implications are taken into account in exercising the Council's overview and scrutiny roles.

Sustainability Implications:

- 10.4 Sustainability implications are taken into account in exercising the Council's overview and scrutiny roles.

Crime & Disorder Implications:

- 10.5 Crime and disorder implications are taken into account in exercising the Council's overview and scrutiny roles.

Risk and Opportunity Management Implications:

- 10.6 No risk assessment has been undertaken in relation to this report.

Corporate / Citywide Implications:

- 10.7 Overview and scrutiny is concerned with the overall well-being of the City including not only Council services but also those of other agencies

SUPPORTING DOCUMENTATION

None.

