

**BRIGHTON & HOVE CITY COUNCIL  
OVERVIEW & SCRUTINY COMMISSION  
4.00PM 8 JUNE 2010  
COUNCIL CHAMBER, HOVE TOWN HALL  
MINUTES**

**Present:** Councillors Mitchell (Chairman); Pidgeon (Deputy Chairman), Bennett, Cobb, Elgood, Kennedy, Meadows, Morgan, Peltzer Dunn and Wakefield-Jarrett

**PART ONE**

**1. PROCEDURAL BUSINESS**

The Chairman welcomed to the meeting Councillor Amy Kennedy as a new Member of OSC and Councillor Denise Cobb who had formerly served on OSC.

**1.1 Declarations of Substitutes**

There were none.

**1.2 Declarations of Interests**

There were none.

**1.3 Declaration of Party Whip**

There were none.

**1.4 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 OF THE MEETING HELD ON 27 APRIL 2010**

**2.1 RESOLVED:** that the minutes of the meeting held on 27 April 2010 be agreed and signed by the Chairman.

## **3. CHAIRMAN'S COMMUNICATIONS**

3.1 There were none.

## **4. PUBLIC QUESTIONS/LETTERS FROM COUNCILLORS/REFERRALS FROM COMMITTEES/NOTICES OF MOTIONS REFERRED FROM COUNCIL**

4.1 There were none.

## **5. CREATING A COUNCIL THE CITY DESERVES**

5.1 The Chief Executive John Barradell introduced the report on Creating a Council the City Deserves and answered questions together with the Director of Strategy and Governance, Alex Bailey and Assistant Director of Human Resources, Charlotte Thomas. There would be further reports to Cabinet on 22 July and 16 September.

5.2 A theoretical example of the commissioning cycle was circulated to show the stages in the process and public and Member involvement.

5.3 The Chief Executive gave the background to the proposals aimed at achieving financial savings to achieve a balanced budget at a time of increasing service demands, based on a better understanding of customers' needs and closer working with partners. Alignment between partners would be a key factor.

5.4 Something was wrong when residents thought the City was a great place to live but only 45% were satisfied with the council. There had to be greater efficiency and integration of services at lower costs; he had consistently outlined his views on the merits of the commissioning model since the end of 2009, he said. Underlying issues would not change; and grants cuts would have to be dealt with.

5.5 The Director of Strategy and Governance outlined the steps in the commissioning cycle plus the stages where overview and scrutiny would have greatest impact; at pre-commissioning - to be involved in the needs analysis and service design; and in performance evaluation.

5.5 The Chief Executive told the Commission of the importance of residents having a say and a voice throughout commissioning. He said services would be more open to overview and scrutiny than at present.

5.6 Answering a question on the service areas of the Delivery Units, the Chief Executive said these were based on services that naturally belong together and were not necessarily intended to be of the same size. He told the meeting that the proposals were still at a consultative stage and were likely to change, taking into account feedback including from staff.

5.7 In reply to further queries the Chief Executive gave reasons for maintaining an internal finance unit in addition to the external-facing resources units. The overall approach; analysing need in the City and how it was to be delivered; would not be affected by a change in governance arrangements, he said.

5.8 He stated that reorganisation was to be cost-neutral. The new senior positions would require considerable skills and attributes and would carry significant responsibilities. It was important to attract the best candidates. Benchmarked against other local authorities in Southern England, the advertised salaries had been set around the median point.

5.9 The Assistant Director of Human Resources explained the process used by independent experts to determine salary levels. Four factors had been used: benchmarking; job evaluation processing taking into account accountability, autonomy and impact; the market for high-level commissioners working in partnerships – an area of scarce skills; and a consideration of existing circumstances in Brighton & Hove.

5.10 The Council already had a training programme for officers working on commissioning. Some officers had achieved Masters in Commissioning. Further work was in progress to develop a programme of support for colleagues in these new roles.

5.11 The Director of Strategy and Governance also stressed the importance of building capacity in new ways of working and collecting intelligence on good practice. Two pilots in the summer would capture learning and Wiki Tools would be developed. Partners were working on Joint Commissioning together

5.12 Outlined co-production (Appendix 2 paragraph 5.2 refers) the Director pointed out there would social returns on investment, taking into account whole life costs.

5.13 As regards citizen engagement in awarding contracts, the Director of Strategy and Governance gave an example of tenant input into the bid evaluation stage of the housing repairs contract. Commercial confidentiality can be maintained by separating contractual information from financial information.

5.14 The needs analysis of some service areas including crime and disorder were already well-known; some areas did not yet have robust needs analysis.

5.15 Asked how the anticipated pre- and post- scrutiny would compare with the current overview and scrutiny function, the Director of Strategy and Governance said O&S would be broader, across partners. He described this change as a spread of the democratic mandate. An individual commissioner could establish a work programme of commissioning over 24 or 36 months, clarifying the key moments in the process.

5.16 This meant that Overview and Scrutiny meeting cycles could be adapted to allow for timely test and challenge. Potentially a suitable scrutiny function might comprise more time-limited panels, according to the Director of Strategy and Governance.

5.17 On the expected timescales and transition to introduce intelligent commissioning the Chief Executive said two pilots; on domestic violence and alcohol and substance misuse; would run over the summer using existing business plans. Needs analyses in these areas would start in the early Autumn ready for implementation in the next financial year.

5.18 The Chief Executive highlighted the commitment by all the Council's public sector partners and the current capacity building for the Community and Voluntary Sector funded by the Local Strategic Partnership. Quality assurance would be via performance concordats.

5.19 Asked about current expertise, and flexibility and creativity to provide services differently the Chief Executive acknowledged a balance would be required between aspirations and basic needs. Service providers expected scrutiny from Members and Scrutiny Panels would ensure that aspirations were addressed at the pre-commissioning stage.

5.20 Regarding the role of non-Executive Councillors the Chief Executive said the perspective of Ward Councillors would be even more important than at present. Ward Members would have input into needs analyses and would be able to scrutinise service plans prior to their being delivered.

5.21 The Chief Executive answered further detailed questions: the use of the Community Engagement Framework that has been agreed with partners; a structure 'fit for purpose;' and performance monitoring.

5.22 The Chairman referred to the inability of small organisations to compete with larger ones, the process for agreeing joint budgets, different governance arrangements of other organisations, retaining expertise within the Council, training of commissioners and tight timescales.

5.23 Members of OSC would shortly be sent draft copies of the points made by Members at this meeting for comment (below). The final version would form the basis of a letter from OSC Chairman to the Chief Executive.

**5.24 RESOLVED;** (1) that the report be noted

(2) That the comments below form the basis of a letter from the Overview and Scrutiny Commission Chairman to the Chief Executive.

#### **A. On the Intelligent Commissioning Cycle**

1. OSC believes that scrutiny involvement throughout the Intelligent Commissioning cycle is vital both during pre-decision and during review.
2. As a matter of course scrutiny should be invited to comment upon needs assessments once finalised. (1B in the table circulated).
3. Plans for service design should also then be brought back to scrutiny. (1C).
4. Consideration should be given to the role of scrutiny during performance management (2C).
5. Scrutiny would also expect a role during the evaluation process (3B).
6. At the 'Going Live' stage OSC would like to see a clearer picture of how Members and the public are expected to be involved.

7. At Pre-commissioning stage OSC would like greater detail on the planned links with the 'Evaluation' (B3).
8. 'On-going citizen engagement' the contracting exercise needs to ensure that contractual information is separated from financial information. (2B).
9. What opportunity for O&S will there be at the transition stage? (2D)

### **B. On the Proposed Organisational Model Design**

1. The size of the delivery units differs greatly, and whilst this may not be problematic some of the alignments within them seem to split linked services e.g. Housing Management is itself a massive undertaking, will the social inclusion element of this unit lose out, also elements of community sit within this unit, whilst the DAAT will be with Public Protection.
2. Thought needs to be given as to how citizens and Councillors relate to the new structures.
3. Consideration should be given to the separation of democratic and legal services.

### **C. General Comments and Questions**

1. Support for the use of a needs assessment to help channel investment to agreed priorities. However there should be a clear aspirational element to this, not merely solving problems.
2. The salary levels of the Strategic Directors caused considerable concern amongst members. There was a clear feeling that these were unacceptably high at a time of austerity.
3. Equalities and sustainability need to be built in as an integral part of the new structure from the beginning. Key cross-cutting issues such as these need to be the responsibility of a named Strategic Director.
4. Timescales for introducing the changes seem to be tight.
5. 'Decommissioning' a service can mean 'no service'. We need to be reassured about providing services during the transition stage, bearing in mind that they are based on an understanding of need.
6. We need to be sure that all our public sector partners are in agreement with the proposals especially at a time when budgets are stretched.
7. Our public sector partners should be prepared for a higher level of scrutiny.
8. Joint appointments with partners need to be an integral part of the new system.
9. Ultimately the different governance models operated by public sector within the city need to be able to dovetail to make this system work.
10. Budgets between partners need closer alignment to deliver a needs based service delivery model.
11. Clear mechanisms need to be put in place to ensure that if services are provided by external bodies quality remains high.

12. In providing services there has to be flexibility to allow for service providers to use their imagination and expertise, to do things differently.
13. Employment of consultants to both to develop and within the new system should be limited.
14. The rationale for both a Strategic Director of Resources and a Director of Finance was questioned and why this had been altered between iterations of the proposals.
15. In linking up more closely with partners it will be necessary to remain adaptable to changes that may arise from new national policies.
16. In using the Community Engagement Framework and engaging citizens in needs analysis for example, the Council will have to take account of the type and validity of representation of groups and organisations.
17. The GP-led Health Centre scrutiny review found that small organisations are unable to compete with large ones in tendering for contracts etc. The council needs to help develop local organisations whether third or business sector to be able to compete to deliver services under the new model.
18. Support for resident/community run services needs to be prioritised.
19. Existing expertise must not be lost from the council during the restructure.
20. Training for officers and members will be required to support the new ways of working.
21. How will the budget-setting process work, in the context of expected reductions?
22. Any system introduced should work under different governance arrangements e.g. the committee system
23. All information on Intelligent Commissioning should be in jargon-free clear English!

## **6. SINGLE EQUALITY SCHEME UPDATE**

6.1 The Head of Communities and Equality distributed the Council's Single Equality Scheme and related leaflets. More copies were available including in different formats such as Braille, on request. As this was an area of changing legislation, Members asked that addendum slips be provided with future copies of the printed Scheme.

6.2 The Head of Communities and Equality updated the Commission on the effects of works on Equalities Impact Assessments, engagement with Communities of Interest and the launch of the City's Equalities and Human Rights Charter.

6.3 It was clarified that a revised version of the Single Equality Scheme was planned for January 2012 (report paragraph 1.3 refers). The Council placement of 4th overall in the national Stonewall index was based on achievements January – December 2009. The next Stonewall announcement would be in January 2011.

6.4 Preventing violent extremism was especially valuable in the community. Asked about the future, the Head of Communities and Equality said that when the outreach worker post comes to an end it is hoped that any projects which have been supported will be able to attract other funding to ensure their continuation.

6.5 Members noted areas of good progress including Glenwood Lodge and were pleased at the accessible staff bus on route 11X.

6.6 There was concern at the number (19) of Blue Badges that had been stolen in a 6-month period; and a question as to possible measures that could help reduce this.

6.7 Members noted in the workforce profile, the small proportions of staff aged less than 24 and over 65 and asked for more information on the age range distribution, in the context of major initiatives in the City such as the Apprenticeship Strategy.

6.8 Members raised a point about disabled access to cafes in parks for buggies and wheelchairs.

6.9 Members wished to ensure that polling stations were as fully accessible as possible and at item 9 on this agenda asked for an officer report.

6.10 **RESOLVED;** (1) That Overview and Scrutiny Commission note the ongoing work to reduce inequality across the city and progress made so far against the objectives set out in the Single Equality Scheme Action Plan.

(2) That the officers be asked to provide further information as minuted above.

## 7. STAFF DISABILITIES SCRUTINY REVIEW

7.1 Councillor David Watkins, Chairman of the Staff Disabilities Scrutiny Panel thanked colleagues Councillors Ian Davey, Steve Harmer-Strange and Mo Marsh who had worked on the scrutiny review.

7.2 He introduced the report and described the recommendations which he pointed out were timely from the point of view of working with Partners in line with the intelligent commissioning model.

7.3 Getting information from individual officers in 'one-to-one' meetings with Panel members had been an important part of this particular scrutiny because some disabilities and their effects can remain 'hidden.' This approach would be valuable for other reviews as well, he said.

7.4 Councillor Watkins had addressed a meeting of the Disabled Workers' Forum and said the Forum would be 'key' in progressing scrutiny recommendations. He was keen to track and monitor the outcome of the review.

7.5 Members questioned the apparent reduction in the number of Council staff with disabilities as set out in the workforce profile in the Single Equalities Scheme report elsewhere on this agenda and asked for this trend to be monitored.

7.6 It was agreed that minor adjustments can be a major advantage and that Recommendation 6 would be strengthened by the addition of an extra clause 'sought and' after the words 'the needs of disabled staff are'

7.7 The recommendations, including on training, were welcomed

**RESOLVED** to (1) That the scrutiny panel's report be endorsed.

- (2) That the report's recommendations be referred to the council's Executive and to the appropriate partner organisations.
- (3) That monitoring of outcomes of agreed recommendations, be added to the Commission's work plan.

## **8. UPDATE ON OVERVIEW AND SCRUTINY COMMITTEES - ECSOSC**

8.1 Councillor Warren Morgan, Chairman of Environment and Community Safety Overview and Scrutiny Committee (ECSOSC) gave a progress report on the Committee which he pointed out was attempting to scrutinise forthcoming key decisions.

8.2 The next meeting, on 21 June would received three Panel reports for approval; 20mph speed zones/limits; support services for victims of sexual violence and the Winter Service Plan.

8.3 The 13 September meeting would include a detailed consideration of the Local Transport Plan (3)

8.4 Councillor Morgan referred to the protocol between the Community Safety Forum and ECSOSC; ECSOSC had recently asked for specific items to be added to the CSF agenda.

8.5 It was suggested that ECSOSC, like ASCHOSC, could ask for a list of 'non-key' decisions to scrutinise if the Forward Plan did not include key decisions within ECSOSC's remit. Additionally, intelligent commissioning should involve scrutiny at an earlier, needs analysis, stage.

8.6 The update was noted.

## **9. GENERAL SCRUTINY UPDATE**

9.1 The Head of Overview and Scrutiny introduced the report on the general update. A scrutiny newsletter was being developed. As regards scrutiny panels, the September meeting would receive an item on possible subjects for in-depth scrutiny; there would be two final year University students on work experience to support these starting in January 2011.

9.2 Some members had questions about procedures in Brighton & Hove for conducting the May 2010 General Election. There was a query about how the count was conducted. Other issues raised were: disabled access at polling stations; safety of counting staff at night-time; distribution of polling cards for every resident; coverage by the electoral register of every address.

9.3 Members agreed to request a report for the September meeting so that potential gaps identified, if any, could be addressed before the 2011 local election.



9.4 **RESOLVED;** that an officer report as minuted above be requested for September meeting.

**10. OVERVIEW AND SCRUTINY COMMISSION WORK PLAN**

10.1 The draft work plan was noted.

**11. ITEMS TO BE REFERRED TO CABINET MEMBER, CABINET OR FULL COUNCIL**

11.1 It was noted that the staff disabilities scrutiny review would be referred to the Council's Executive. The Single Equality Scheme update was to be considered by Cabinet on 17 June.

The meeting concluded at 6.35pm

Signed

Chair

Dated this

day of

