

**BRIGHTON & HOVE CITY COUNCIL
OVERVIEW & SCRUTINY COMMISSION
4.00PM 20 JULY 2010
COUNCIL CHAMBER, HOVE TOWN HALL
MINUTES**

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

PART ONE

12. PROCEDURAL BUSINESS

The Chairman announced that the meeting was being recorded and would be available on the Council's website for repeat viewing.

12a Declarations of Substitutes

Councillor Watkins was substituting for Councillor Elgood.

12b Declarations of Interests

There were none

12c Declaration of Party Whip

There were none.

12d 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.

13. MINUTES OF THE MEETING HELD ON 8 JUNE

13.1 The minutes of the meeting held on 8 June 2010 were agreed and signed by the Chairman.

13.2 It was noted that a letter was sent to the Chief Executive with comments and concerns on Intelligent Commissioning, following discussions at 8 June OSC. An Executive response to the Staff Disabilities scrutiny review is scheduled for September Cabinet.

14. CHAIRMAN'S COMMUNICATIONS

14.1 The consultation period on suitable topics for scrutiny ends on 28 July and a report will be presented to OSC in September. About 15 suggestions have been received so far; ideas can be contributed directly to the scrutiny team or via the on-line consultation portal.

15. PUBLIC QUESTIONS/LETTERS FROM COUNCILLORS/REFERRALS FROM COMMITTEES/NOTICES OF MOTION REFERRED FROM COUNCIL

15.1 There were none.

16. CLIMATE CHANGE SCRUTINY REVIEW

16.1 The Chairman warmly welcomed Professor Gordon MacKerron as Chair of the Climate Change Adaptation Scrutiny Panel to introduce the report. Professor MacKerron, Director of the Science Policy Research Unit (SPRU) at Sussex University is a Member of the Royal Commission on Environmental Pollution and has a long career in energy and environment.

16.2 He said whilst the term 'Climate Change' could be viewed as rather abstract, the description 'Extreme Weather Events' better described the importance of the matter; with weather also becoming less predictable. The evidence shows there will be significant climate change. This will bring some opportunities – for example long spells of hot weather could benefit tourism - but flooding, coastal erosion and sea level rise were areas of risk for Brighton & Hove. The City Council had already seen threats to business continuity and these were likely to increase.

16.3. Brighton & Hove City Council has a good record in mitigating the effects of climate change including use of renewable energy but significant adaptation to the effects of climate change is also needed in addition to mitigation, he said.

16.4 The Scrutiny Panel took longer than planned but the time was well spent in hearing good evidence and following up. A full record of the evidence - Volume 2 of the report - is available to view on request.

16.5 When agreed the 13 recommendations now needed to be embedded at a high level. A Cabinet Member should take responsibility for action in adapting to climate change. It was important for Local Authorities to work together and to learn from good practice.

16.6 Professor MacKerron said it had been a pleasure to Chair the panel. He thanked Councillors Mitchell, Janio and Wakefield-Jarrett as Panel Members and Karen Amsden, the scrutiny officer.

16.7 Answering questions Professor MacKerron emphasised the need for active cooperation between authorities and said that the Environment Agency could advise on the geographical ranges of potential impacts for Brighton & Hove. He could not confirm that national indicator NI188 would be retained but in his opinion the process was useful.

16.8 Councillor Janio had not supported Recommendation 8 as he felt the adaptation test would be too onerous for some organisations; however Professor MacKerron said that in his own view, most organisations would have thought about adaptation. The other three Panel Members did wish to include this recommendation as part of an on-going process of awareness and encouragement, especially within Intelligent Commissioning.

16.9 Regarding how much could be achieved in Brighton & Hove, a relatively small geographical area with its own microclimate, Councillor MacKerron stated that Climate Change Adaptation is an extremely local issue compared with mitigation which generally requires a wider approach. Much work had been at a national level and there was a raft of help and advice for local authorities.

16.10 Asked about flooding and cold winters of the past, Professor MacKerron explained it was impossible to ascribe individual extreme weather events to climate change. However in the past ten years, events are happening more frequently and with more intensity. Across Europe 8 out of 10 of the hottest years were recorded in the last decade.

16.11 Extreme variability was a major factor in climate change and even if there was some scepticism it would not be expensive to take steps to become more prepared for significant risks.

16.12 Professor MacKerron said he had enjoyed working on the scrutiny review as an external Chairman and would provide feedback on the process.

16.13 **RESOLVED**; that members

- (1) Endorse the Scrutiny panel report and express their thanks to Professor MacKerron and all the Scrutiny Panel Members
- (2) Refer the report recommendations to the council's Executive and to appropriate partner organisations
- (3) Instruct officers to prepare a progress report for OSC after 6 months and 12 months and as required.

17. TBM PROVISIONAL OUTTURN 2009 - 2010

17.1 Overview and Scrutiny Commission receives TBM information throughout the year to monitor financial performance against the budget set and the Strategy and Resources Manager presented the Targeted Budget Management provisional outturn 2009/2010 that had been reported to 17 June Cabinet.

17.2 This shows an underspend of £235,000 that allows for contributions to reserves, set out in paragraph 3.4. At the time of budget setting an overspend of £66,000 had been expected; therefore the overall financial position of the council has improved by around £300,000.

17.3 **RESOLVED** (1) That the report be noted.

17A TARGETED BUDGET MANAGEMENT 2010/2011 AND VALUE FOR MONEY PROGRAMME UPDATE

- 17A.1 The Strategy and Resources Manager presented the Targeted Budget Management 2010/2011 and Value for Money Programme Update. This report to 22 July Cabinet meeting was included as a late item to OSC at the request of the OSC Chairman as it provides up to date financial context for the next item 17(B) on this agenda.
- 17A.2 The TBM report was being presented earlier than usual. This is an early estimate which shows a forecast overspend of around £2.4 million on council controlled budgets. There was time to achieve a balanced budget by year end; action plans to mitigate directorate forecast overspends would be reported to 16 September Cabinet.
- 17A.3 Answering questions, the Head of Strategic Finance and Procurement said the forecast £235,000 underspend in 2009/2010 was proposed to be used to fund any overspend in 2010/2011; it was not available to offset grant reductions. The forecast outturn included all the impacts of the adverse weather and loss of parking income; the Council holds financial provision for risk.
- 17A.4 Other queries were on; whether the bursary scheme to attract newly qualified social workers is continuing (Appendix 1, Children and Young People's Trust); and if at paragraph 3.9, the £250,000 'programme management support, business analysis and communications resources' refers to consultants fees.
- 17A.5 RESOLVED** (1) That the report be noted.
(2) That information as minuted at 17A.4 above be requested.

17B 2010/11 IN-YEAR GOVERNMENT GRANT REDUCTIONS

- 17B.1 The Strategy and Resources Manager presented the 2010/11 In-Year Government Grant Reductions. This report to 22 July Cabinet meeting was included as a late item on this agenda for comment, as the result of a Liberal Democrat Notice of Motion at 15 July Council.
- 17B.2 It sets out proposals for managing 2010/2011 in-year grant reductions, following recent Government announcements and agreement by 17 June Cabinet on the principles for dealing with the reductions.
- 17B.3 The Head of Strategic Finance and Procurement further clarified the details of the proposals, pointing out that the reduced Local Delivery Support Grant outlined in Appendix 3 was new information from the Department for Education that had not been available at 15 July Council.
- 17B.4 The reduced Youth Capital Fund grant was also a new DfE announcement. A series of government statements set out in Appendix 3 were still being analysed.
- 17B.5 The Commission was particularly concerned that grants for children and young people were affected. Because of the potential effect on the numbers of young people not in education employment or training (NEETs) it was agreed to refer to CYPOSC the

Equalities Impact Assessment of the Connexions Service reduction (report paragraph 5.3)

- 17B.6 Members were dismayed at proposals that road safety and dropped kerbs should lose funding priority in year 2010/2011.
- 17B.7 Answering questions officers told the meeting that some £80,000 of the £600,000 allocated to Playbuilder in 2010/2011 had already been spent; the Council's contractual commitments to these schemes would be checked.
- 17B.8 Following recommendations from scrutiny of budget proposals for 2010/2011, Directorates were being asked for Equalities Impact Assessments where necessary.
- 17B.9 Members noted the speed required under difficult circumstances to make the in-year reduction decisions. They argued that more information was needed on the basis for new funding proposals and the potential effects, especially on equalities, that these decisions would have over time on communities.
- 17B.10 They also felt that the underlying financial assumptions made in making decisions on grant reductions should be carefully monitored. Officers reassured the meeting that this would be included in the December budget update report.
- 17B.11 The Commission agreed to establish a cross-party scrutiny review of the effects of grant reductions decisions on communities including the impact on equalities.
- 17B.12 On behalf of the Commission the Chairman thanked the officers.
- 17B.13 RESOLVED (1)** That the report be noted
- (2) That the Equalities Impact Assessment of the Connexions Service reductions be referred to CYPOSC..
 - (3) That a scrutiny review be established as minuted at 17B.11 above.

18. ANNUAL COMPLAINTS REPORT

18.1 The Standards and Complaints Manager introduced the Annual Complaints report for 2009/2010.

18.2 Overall numbers of Stage One complaints had fallen during the year and as would be expected for large directorates providing services directly to the public, Environment and Adult Social Care and Housing received the largest proportion of complaints. The Complaints Team are working with the Council's Youth Advocacy Practice to make the complaints process more accessible for young people so they can feel confident about contacting us.

18.3 Answering questions the Standards and Complaints Manager said a complaint was an expression of dissatisfaction however made about something the council has or has not done. He outlined the Council's complaints procedures.

18.4 He frequently provided feedback to the Directorates and had regular contact with the service areas, Heads of Service and Directors. Some complaints information is reported to the

Standards Committee; the annual complaints report is now presented to Overview and Scrutiny Commission.

18.5 Some services, particularly City Clean and Adult Social Care, are resolving complaints by having direct contact with customers. This is proving to be a good way to resolve complaints and improve services and this seemed to be happening more.

18.6 Benchmarking against other local authorities for Stages One and Two complaints was not in place. The Local Government Ombudsman provides comparative information on complaints referred to him.

18.6 The Standards and Complaints Manager explained how complaints data could be presented to distinguish between dissatisfaction with a policy or decision reached compared with a service received.

18.7 Complaints against Councillors were reported to the Standards Committee. Complaints about the decisions of Licensing Committee are outside of the complaints process.

18.8 Members were concerned at the significant rise in complaints about Repairs and Maintenance, especially in that the probable reason was transferring work between contractors. (Report paragraph 3.37) They felt strongly that in the context of a move to Intelligent Commissioning this learning should be shared widely. The matter would be referred to Adult Social Care and Housing Overview and Scrutiny Committee.

18.9 Chair of the Environment and Community Safety Overview and Scrutiny Committee Councillor Warren Morgan reminded the meeting that individual complaints were excluded from the remit of the scrutiny panel investigating the response to the severe weather, of which he was also Chair. This was a one-off event but because these complaints had been omitted from this report the data here might be misleading, he said. (Report paragraph 3.52).

18.10 The Standards and Complaints Manager stated there had been too many complaints to process in the usual way. There was a significant strength of feeling from complainants in the December period of snow that had reduced to some extent by the time of the January spell of snow. He had provided evidence to the scrutiny panel, whose full report of key findings was available.

18.11 There is an established protocol with health organisations to allow for a combined response to complaints. Where services are shared between partnership bodies, clarifying the process for complaining or creating a one-stop shop would be useful, he said.

18.12 **RESOLVED** That as minuted above at 18.8 learning from complaints about Repairs and Maintenance in the context of Intelligent Commissioning be referred to ASCHOSC.

19. COMMUNITY ENGAGEMENT FRAMEWORK UPDATE

19.1 The Community Engagement Improvement Officer and the Head of Communities and Equalities introduced the report. Overview and Scrutiny Commission had a role in monitoring progress and any areas of concern.

19.2 Replying to questions the officers said guidance on community engagement was being developed on Intelligent Commissioning and would form part of the toolkit.

19.3 Members remarked that Community Engagement was central to the Big Society that had recently been announced nationally. They noted it was important to ensure that people without access to the internet were engaged. Members also asked to see notes of the Third-Sector-led Task Group helping develop policy principles to support asset transfer; these meetings were not formalised.

19.4 The Head of Policy told the meeting that the Public Service Board was working to support stronger joint working between partners. The two needs assessments for the two Intelligent Commissioning pilot areas; Domestic Violence and Drugs and Alcohol Abuse were in progress.

19.5 Learning reports from the pilots were expected to be completed in September. The Chairman of ECSOSC requested that these be brought to his Committee in September and this was agreed.

19.6 Members noted that at present there were some weaknesses in implementing the Framework.

19.7 There was a reminder that third sector organisations can ask scrutiny to look into areas of difficulty.

19.8 The Commission requested that the next update include some of the reasons for poor practice plus good exemplars.

19.9 The meeting noted that more work was under way for example towards training, communications and formalising the role of officers and Councillors with regards to community engagement.

19.10 There was a comment on the balance of the 'ward communications' content of the City News council publication.

19.11 **RESOLVED;** that further information be provided at the next update as minuted above.

20. DUAL DIAGNOSIS SCRUTINY REVIEW; SIX-MONTH IMPLEMENTATION REPORT

20.1 The Chairman of the Scrutiny Panel Councillor David Watkins welcomed the interim implementation report. This scrutiny review had taken a long time and involved a lot of work. The recommendations would have long-lasting impacts and it was pleasing to see the progress being made.

20.2 **RESOLVED:** that a further 6-month implementation update be requested.

21. O&S COMMITTEE UPDATE: CTEOSC

21.1 Councillor Amy Kennedy as new Chair of CTEOSC updated the Commission on the work of her Committee. She paid tribute to Councillor Randall, former CTEOSC Chair and thanked the support officers for their work.

21.2 Recent agenda items had included: the archaeological review of artefacts in our Museums Service; Renaissance Funding; the city's programme for 2012 Olympics; an update on creative industries; and New England House. CTEOSC would continue to receive updates on these.

21.3 Other reports had been on the city's approach to tourism and the LAA annual figures. The performance reports now had a particular focus. The recession relief work (phase 2) was covered at the July meeting and the focus of the next performance report is to be worklessness.

21.4 Major Projects is a regular report as a Part 2 item.

21.5 The Committee used workshops to explore policy issues or look at draft strategies. Previous workshops had covered mobile libraries, the cultural strategy for the city, golf courses, the museums forward plan, and the business retention and inward investment strategy. There would be a workshop later this month on the leisure management contract.

21.6 The panel set up to look at the cultural provision for children and young people in the city had finished holding public evidence sessions and would be reporting towards the end of the year.

21.7 Referred to the work programme for 2010/2011 Councillor Kennedy said amongst the important items the Committee would be looking at Value for Money and the Business case for culture. She noted that that the tri-partite meetings held between the Cabinet Members and Scrutiny Committee Chairman were especially helpful.

21.8 **RESOLVED** that the report be noted.

22. OSC WORK PLAN

22.1 The next Overview and Scrutiny update for 7 September OSC meeting would be HOSC

22.2 **RESOLVED** that the report be noted

23. ITEMS TO BE REFERRED TO CABINET MEMBER, CABINET OR FULL COUNCIL

23.1 Items 17A and 17B: Extracts from the draft minutes would be forwarded to 22 July Cabinet.

23.2 Item 16; To be forwarded to Cabinet and subsequently Full Council

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of