

**BRIGHTON & HOVE CITY COUNCIL**  
**OVERVIEW & SCRUTINY COMMISSION**  
**4.00PM 7 JUNE 2011**  
**COUNCIL CHAMBER, HOVE TOWN HALL**  
**MINUTES**

**Present:** Councillors Mitchell (Chair); Follett, Littman, Morgan, K Norman, Powell and Summers

**PART ONE**

**1. PROCEDURAL BUSINESS**

**1.1** The Chair Councillor Gill Mitchell welcomed everyone to the meeting, especially Members new to the Council and gave a reminder that the meeting was being webcast live and kept on record for repeat viewing.

**1a Declarations of Substitutes**

1.2 There were none

**1b Declarations of Interests**

1.3 There were none.

**1c Declaration of Party Whip**

1.4 There were none.

**1d Exclusion of Press and Public**

1.5 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.

**1.6 RESOLVED:** That the press and public be not excluded from the meeting.

**2. MINUTES OF THE MEETINGS HELD ON 5 APRIL 2011**

2.1 The minutes of the meeting held on 5 April were agreed and signed by the Chair.

**3. CHAIRS COMMUNICATIONS**

3.1 The national Good Scrutiny Award for the review of Adaptation for Climate Change, chaired by an independent expert was well deserved said the Chair Councillor Gill Mitchell. She had

served on the panel with Councillors Tony Janio, and former Councillors Vicky Wakefield-Jarrett and David Watkins. It was also excellent news that the scrutiny team had been short-listed for Scrutiny Team of the Year.

3.2 On today's agenda Councillor Mitchell explained that items 6 – 9 were now combined into one presentation that had been circulated as an addendum

3.3 Councillor Mitchell said that OSC would continue to work in an open, non-political way and aim to focus on 'pre-decision' rather than 'post-delivery' scrutiny. All Councillors could suggest a topic for review and the Commission would be looking forward to a positive and constructive challenge relationship with the Administration.

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

4.1 There were none.

#### **5. INTRODUCTIONS**

5.1 All the Members of OSC introduced themselves.

#### **6. THE STATE OF THE CITY REPORT AND SUMMARY**

*(Note that Reports designated items 6 – 9 on the published agenda have been combined into a single presentation, 'Setting the Strategic Commissioning Priorities and Measuring our Performance as a City' circulated as the addendum 'Scrutiny of the City's Plans and Strategies')*

##### State of the City Report and Summary

6.1 The Head of Analysis and Performance Paula Black introduced the State of the City Report and Summary that was available as a spiral bound document and also as a more detailed document. It is a high level snapshot – an objective profile of where we are as a City, being presented to 9 June Cabinet.

6.2 A summary from this OSC meeting would be referred to Cabinet as follows:

*Q. How can you commission services before any needs assessments have been completed?*

A. The Council and partners already hold a lot of data.

*Q. Can commissioning be based only on full-time resident population? How are visitors and students taken into account? How is this used to support service delivery priorities?*

A. We have data from universities, businesses etc that allow some breakdown between different user/demographic groups.

*Q. Why have a State of the City report – who is the audience, what is the purpose?*

A. The State of the City Report presents a useful snapshot of the city. It brings together in a single readable format a wide range of information that only otherwise exists in a number of

other reports. Bringing together all of this data facilitates a more strategic and evidence based approach to decision-making.

*Q. Is all the data referenced in the document available to residents? Are there plans for enabling higher level analysis – eg number of cars per household and single person households?*

A. Brighton and Hove Local Information Services (BHLIS) will eventually hold all of the data and also present some analysis. We are moving towards an Open Data approach, with as much data as possible being publicly available.

*Q. How do BME figures match up?*

A. We can look again at 'non-white British' data.

*Q. How do we know the data is reliable?*

A. There is a data quality policy; only the best available information is used. A named person is responsible for their own areas of data. We always seek to quality assure data, and whilst recognising it may not all be perfect we are confident as to its reliability.

*Q. When/Will it be done again?*

A. Yes, if it's found to be useful and no, if not. It's intended to be useful for scrutiny and especially scrutiny panels. Data can be used both to identify issues that scrutiny may wish to concentrate upon, or once a review has started provide information to guide questioning and research.

### **6.3 OSC recommends that:**

- 1) State of the City and Needs Assessment data is shown to link clearly with commissioning priorities and proposals before the latter are finalised.
- 2) Future updates on Needs Assessments to OSC are linked in with the relevant data.
- 3) Significant updates to the State of the City report are reported to OSC.

### City Commissioning Priorities

6.4 The Central Policy Development Manager Emma McDermott introduced the City Commissioning Priorities, the key cross-cutting issues identified within existing partnership strategies, developed by the Public Service Board (PSB) and project managed by the Council's Policy Team. The Commissioning Plan would be presented to July meetings of the PSB and Cabinet and then reviewed annually. The Plan and timetable and Needs Assessments timetable would be brought back to OSC.

6.5 Regarding consultation with local communities, the Central Policy Development Manager pointed out that neighbourhood networks were being used and key stakeholders are mapped at an early stage in scoping for intelligent commissioning. There would be a programme of communication about the Commissioning Plan; the Community and Voluntary Sector Forum would be closely involved.

6.6 Answering a question on commissioning for income generation, the Strategic Director Place set out the three key areas where Council policies can have an impact on generating income and sustainability; Employment Skills and Training, Business and Enterprise and Investment and Development. Social and financial assets had to be looked at by breaking down any 'silos,' he said.

6.7 The Strategic Director Resources said intelligent Commissioning methodology could be used in many areas including where fees are charged..

6.8 Regarding the two indicative priorities 'Sustainable Economy' and 'One Plant Living' members heard a range of priorities was being identified through the City Sustainability Partnership though there were some areas of overlap. Members noted that the Chair of the Local Strategic Partnership, Roger French who also sits on the PSB, is invited annually to OSC. Chair of PSB is council Leader, Cllr Bill Randall.

### City Performance Plan

6.9 The Head of Analysis and Research Paula Black summarised the approach to the City Performance and Risk Framework, which would show 'what we're doing and how we need to change.' Local accountability was now a key factor. The City Performance Plan will be based on outcomes and not indicator-driven. Indicators would be kept where it was necessary to show trends. The next stage would be to develop agreed targets.

6.10 Asked how delivery of services by contracts and compacts would be tracked, particularly in difficult economic circumstances, Members were reminded of the distinction between monitoring contracts/compacts and monitoring of the process. A programme of peer review and exception reporting was being developed. Audit would continue and Scrutiny could help inform where performance was good, where there were concerns and where services were off target. Working with partners would be important. Robust compacts and contracts would be developed with agreement on performance management and monitoring, as part of the commissioning process.

6.11 The Strategic Director Resources said 'buy-in' to the audit methodology from all concerned would lead to a more robust audit trail for public confidence. Answering further questions about compliance and the move to local public accountability, joint ownership and transparency, he said peers were typically assigned from like-type local authorities rather than from nearby councils, and in his experience they were very helpful.

6.12 Officers answered questions on the choice of outcomes, how potential areas of conflict between different outcomes/targets are to be dealt with, and how equality impact assessments are included within the intelligent commissioning and service delivery process.

### Organisational Health

6.13 A suite of indicators was being developed for the Council as an organisation, that was a mix of former indicators with some that were new for the new structure and priorities. The full suite of indicators would be reported 6-monthly to Strategic Leaders Board, Cabinet and Scrutiny. A set of priority indicators would be available monthly.

### General

6.14 The Head of Policy Performance and Analysis summarised the next steps. For continuity, it was intended to bring the final Local Area Agreement report and Organisational Health Report (previous format) to a future OSC meeting. First reporting on new targets was being planned for October or November.

6.15 The Strategic Director Resources highlighted that Overview and Scrutiny was included within the Intelligent Commissioning process and suggested that OSC might wish to consider the commissioning priorities as part of the regular work programme. This was welcomed by the Chair.

6.16 Members thanked the officers for their succinct presentation and thorough and reassuring replies to questions.

**6.17 RESOLVED;** Overview and Scrutiny Commission:

- a) Welcomed the publication of the package of reports presented
- b) Noted the role of scrutiny in Intelligent Commissioning – and that the relevant scrutiny committees are fully involved at the appropriate stages in those issues taken forward as City Commissioning priorities
- c) Welcomed the partnership approach evident within the reports and within the Intelligent Commissioning process
- d) That regular updates on the City Performance Plan are brought to OSC
- e) That OSC should receive the final LAA report when the data is available
- f) That a focus is given to ensuring EIAs are undertaken as part of the Intelligent Commissioning process
- g) Welcomed moves to publish as much data as possible on BHLIS and in other accessible ways
- h) Welcomed assurances given regarding the quality of data available and moves to ensure future quality

## **7- 9 CITY PERFORMANCE PLAN, BHCC ORGANISATIONAL HEALTH, CITY COMMISSIONING PLAN**

*(Note that Reports designated items 6 – 9 on the published agenda have been combined into a single presentation, circulated as an Addendum)*

## **10 MONITORING ACCESS SCRUTINY REVIEW RECOMMENDATIONS**

10.1 The Head of Highway Operations introduced the report updating Members on the progress against the recommendations of the Street Access Issues scrutiny review, and outlining the work of the Enforcement team in areas where there are statutory requirements (eg skips and scaffold licensing) and others where the need was identified, such as removal of abandoned bicycles.

10.2 During 2010-2011, there was quite a high level of compliance with A-board policy. Only four A-boards were confiscated following the issue of 84 warning letters. A universal advertising sign was being considered for one area in a design that fitted in with existing pedestrian wayfinding monoliths

10.3 It was clarified that Equalities implications at paragraph 5.3 should read 'The Council seeks to ensure that public highways are used in a manner that maximises the benefit to the most number of users. However in the busiest areas of the city competing interests can come into conflict. It is the council's responsibility to manage these interests and to ensure equality of access particularly for those with mobility issues.'

10.4 Councillors commented that the issue was an important one especially for disabled people and recognised the difficulties of monitoring compliance with policy.

10.5 Answering questions, the Head of Highway Operations assured Members that complaints and reports were kept on record. At present overgrown vegetation and over-spilling builders' materials were of particular concern to residents.

10.6 The Head of Highway Operations replied she did not anticipate a reduction in income from A-board licensing. Licensing zones were expanding and there had been an increase in applications for tables and chairs. Fees were put towards Highways enforcement monitoring and a vacant post had now been filled.

10.7 Disabled people giving evidence had a range of views about street access. Some, particularly those with sight problems did not necessarily like pedestrianised space if there were a lot of obstacles to navigate round. They pointed out that barriers to movement included not only A-boards but cars parked on dropped kerbs and shops without ramps. Clear straight corridors were preferred.

10.8 Street clutter could indeed be very disruptive and difficult to negotiate. Objects such as bike racks, lampposts and signs plus utilities' equipment, were all necessary but the Council has a policy to reduce this wherever possible.

10.9 Parking or even driving on pavements included a number of different restrictions and definitions of what constitutes an obstruction and contraventions. Such driver behaviour can be difficult to enforce against. For example there are many unmarked private forecourts and historical rights of way that would not now necessarily be granted.

10.10 A trial programme of marking table and chair placements had started and was anticipated to be finished by October. All sites were being measured and conditions incorporated into new licences.

10.11 **RESOLVED:** that no further tracking reports relating to this scrutiny review are needed, unless trigger by a significant indicator, such as an increase in the number of complaints about highways obstructions.

## 11 SCRUTINY WORK PROGRAMME

11.1 The Head of Scrutiny Tom Hook introduced the Scrutiny Work Programme report that included the Council's Forward Plan, a suggested agenda for the next meeting, and a list of completed scrutiny panels. Members approved the draft agenda for the next OSC meeting (19 July).

11.2 After discussion of the topics previously agreed for a scrutiny panel following public consultation, it was agreed to go ahead with a panel on sharing information regarding

vulnerable people, whilst keeping on hold for the time being 'Living Wage' and 'Alcohol-Related Hospital Admissions.' This was not to say, that the latter topics were not high priorities for the City.

11.3 Members asked for a regular report back from each O&S Chair and a general update to each OSC on the progress of scrutiny panels.

11.4 **RESOLVED** that

- i) items for the next agenda be agreed
- ii) a scrutiny panel be agreed on sharing information regarding vulnerable people; other two options being put on hold
- iii) that regular feedbacks from O&S Chairs and a general O&S update be provided to OSC.

## **12 ANNUAL SCRUTINY REPORT**

12.1 The Head of Scrutiny introduced the draft Scrutiny Annual Report that is required by the Council's Constitution. The report would include an update on the national Scrutiny 'Excellence' award and nomination for Scrutiny Team of the Year.

12.2 OSC Members could contact the Chair or Head of Scrutiny with any additional points for inclusion in the final version.

**12.3 RESOLVED;** that subject to 12.1 and 12.2 above, the annual scrutiny report be agreed.

## **13 ITEMS TO GO FORWARD TO CABINET MEMBER, CABINET OR FULL COUNCIL**

13.1 Members noted that OSC recommendations on the State of the City report and on the other Strategic Plans would be forwarded to 9 June and 14 July Cabinet, respectively. The Annual Scrutiny Report would be presented to full Council.

13.2 The Council Leader and Cabinet Member for Financial and Central Services, Councillors Randall and Kitcat, would be invited to the next OSC meeting, 19 July.

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of

