

**BRIGHTON & HOVE CITY COUNCIL
OVERVIEW & SCRUTINY COMMISSION
4.00PM 13 DECEMBER 2011
COUNCIL CHAMBER, HOVE TOWN HALL
MINUTES**

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

PART ONE

52. PROCEDURAL BUSINESS

52a Declarations of Substitutes

There were none.

52b Declarations of Interests

There were none.

52c Declaration of Party Whip

There were none.

52d 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.

53. MINUTES OF THE MEETINGS HELD ON 1 NOVEMBER AND 21 NOVEMBER 2011

53.1 The minutes of the meetings held on 1 November and 21 November 2011 were agreed and signed by the Chair.

54. CHAIR'S COMMUNICATIONS

54.1 The Chair reminded the meeting that the proceedings were being webcast and would be available for repeat viewing.

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

55.1 There were none.

56. INTELLIGENT COMMISSIONING - SUMMARY

56.1 The Chair of OSC Councillor Gill Mitchell reminded the meeting of the scrutiny workshops on pilots for Intelligent Commissioning (IC) held in March, and invited the Chief Executive to present the report.

56.2 John Barradell (JB) thanked the representatives from all the services involved in the pilots and IC to date and set the context: the need to reduce the cost of public services for the foreseeable future, making the biggest impact with the resources available; more opportunities to work differently with partnership organisations including the community and voluntary sector to 'unlock value' for the City and its citizens; and delivering the aspirations of the City as outlined in the Sustainable Community Strategy, at a time of increasing demand eg around people of working age, older people and addressing more equalities issues. There was also a Council re-alignment to bring skills and capacity to enable work in this way.

56.3 The Chief Executive outlined the three initial pilots; the impact of alcohol on the City, drug-related deaths and domestic violence; that were interrelated and could not be 'fixed' by one organisation alone.

56.3 The Strategic Director, Communities David Murray (DM) detailed some of the lessons learned from the pilots. Less time should be spent on gathering information and more on analysing it. A better early understanding of available resources was needed, plus an acknowledgement of the time taken for a culture change to new ways of working to bring about better outcomes for the community. There was no 'one size fits all' – flexibility and understanding was required for different circumstances. The lessons were now being applied widely to IC within the Corporate Plan, and the Local Strategic Partnership on a day to day basis.

56.4 The Lead Commissioner, ASC and Health Denise D'Souza (DD) said commissioning had been undertaken in ASC for many years with NHS colleagues. The difference with IC was that other public services such as licensing and the police were closely involved, so preventive measures could be better coordinated and the impact felt across a wide range of services rather than ASC alone. DD said formerly there were many different targets and action plans relating to alcohol in the city; there was now a Commissioning Plan that dealt with not only services but also policy, culture and a Strategy across different organisations.

56.5 Dr Tom Scanlon, Director of Public Health, (TS) outlined the Alcohol Programme Board that covered four key aspects - the culture of alcohol use, availability of alcohol (licensing), Night-time economy(led by the Police), and treatment and prevention of alcohol misuse - and dealt with strategic oversight, performance and problem solving. The 'intelligent' part was

bringing more people together and giving them joint responsibility for a problem affecting us all. This new approach has allowed culture change to be addressed eg via the innovative big alcohol debate events to bring about a better understanding of the issues, more early identification and explicit treatment work and therefore more positive results. The funding available to deal with alcohol problems in the city is also now clearer, he said.

56.6 Having formerly been somewhat sceptical, TS said he was now more convinced of the merits of IC in areas such as alcohol and substance misuse as it brought a much more coherent approach and this bodes well for the future.

56.7 Acting Police Superintendent Simon Nelson (SN) stated that formerly it had been frustrating that there was no coordinated strategy on alcohol. There was now effective collaboration both with medium and long-term plans and IC now extended to the operational level. Police licensing officers and trading standards officers were now successfully working together on the threat of counterfeit alcohol. There was close working with A&E on alcohol-related harm and during the year 250 fewer people had been assaulted due to partnership measures and a comprehensive plan, he said.

56.8 DM gave the example of advice and financial inclusion services; another area of increasing need and reducing resources that was applying the lessons learned from the IC pilots. This was already a data-rich area, and there was working with the CVSF and advice agencies and across the council on a needs analysis and 'co-production' (agreed shared outcomes). It was being developed faster than the pilots although using the same IC principles, to maximise the money available and maximise the outcomes for people. There was still much to do; but this is how we now work, he stated.

56.9 Terry Parkin, Strategic Director, People (TP) said that 'People' spends 2/3 of the council's spend and employs ¾ of the council's staff. Securing services through commissioning had been happening since 2006 and was central to the way we now work. Working jointly with West Sussex had already reduced significantly costs of commissioning independent fostering places. The Child Poverty Strategy was adopting a similar approach that has clearly identified outcomes, which is central to any effective commissioning and essential to drive up standards, he said.

56.10 Children with disabilities was also an area based around commissioning principles working with parents, the third sector and providers and again there had been significant reductions in cost even though children's needs are generally more complex than before. We can drive down the cost of placements by being clear about what we want the placements to achieve, he said.

56.11 Head of Adult Assessment Brian Doughty (BD) described the Assessment and Delivery Unit that assesses the social care needs of vulnerable care adults and older people – people with disabilities, mental health and/or substance misuse issues. This had a gross budget of £83 million, 90% of which was commissioned in the independent and voluntary sector. He reiterated that commissioning was not outsourcing, nor was it new since the NHS and Community Care Act (1990), but there was a new move from individual commissioning to aggregated commissioning of services.

56.12 Giving more control to individual customers often involved giving individuals their own budget via Personalisation or Self-directed support and also fitted people's needs with agreed outcomes. This was a different type of IC process; to ensure that services were available for

people to buy. Two particularly effective examples were; ensuring there are enough Personal Assistants, and 'operationalising' in partnership with Health and Police colleagues and a range of other service areas regarding hospital discharge, better re-ablement and safeguarding adults at risk.

56.13 IC work on alcohol drugs and financial inclusion would reduce demand on the services and therefore also on the budgets, he stated.

56.14 John Barradell summarised that many council documents were now 'talking the language' of intelligent commissioning; and referring to outcomes and outputs. We were seeing IC becoming embedded in the day to day working of the council. The early pilots had demonstrated early successes and the power of the IC approach. We have shown we can mobilise different sectors together to achieve agreed outcomes, he said.

56.15 Senior officers replied to questions from OSC Members:

a) Cllr TJ: There is much to be pleased about with the pilots. But is existing work not being just re-badged as IC? Is it just limited to internal commissioning? What about external IC? Why have we not heard more about IC recently and what are the next steps? Where are the new needs analyses and multidisciplinary approach to other services? Are we really intelligently commissioning for the City as a whole?

DM: the advice and financial inclusion work is on-going at a faster pace than the pilots did. IC is becoming day-to-day activity and linked in with the Corporate Plan.

Charlie Stewart, Strategic Director, Resources (CSt): The IC philosophy is increasingly part of council documents eg 8 December Cabinet reports on Food Waste included needs analyses and commissioning strategies but were not called IC documents as such. The Citywide Commissioning Plan is the next step and the interconnectivity is shown in the diagram on page 17 of the report.

b) Cllr MF: I'm not sure Cllr Janio's points have been fully answered but I think there is external commissioning and I don't have the same concern. I'm not clear about timeframing, deadlines, for gathering/analysing the data; what are the criteria to determine when a 'stop point' is not a problem? Council finances are flexible up to a point, so how can we understand the cost envelope from the start, before analysing the data? When will a costed commissioning plan be available for domestic violence? What is the role of the Commissioning Board and what about written accountability? The drugs pilot is clear on the outcomes from the different processes but with the alcohol pilot there are a lot of 'hows' regarding how expected outcomes are going to be achieved.

JB: Members set priorities mainly via the Corporate Plan and then budgets are aligned with need rather than services. This is being done; but it is a complex process for local authorities. None of the pilots met the deadlines but it was a large 'ask' when IC was new to people. The pilots were sponsored by the Public Service Board and mentioned at Cabinet but they did not come back for scrutiny challenge. This is a learning point and one reason why Members are not fully aware of what's taking place with IC. It is Members who decide how the money is spent.

c) Cllr MF: But how does accountability work?

CSt: Part of the commissioning cycle is 'review,' looking at measures of how providers deliver and ensuring that outcomes are being met. If not then the service can be re-commissioned. A City performance and risk management framework has been introduced and reports are now

being provided as outlined in the framework. Two key documents within the framework, the City's performance plan and organisational health report are reviewed by Members regularly. An action plan has been drawn up to mitigate against risks and the City's risk list is being produced in collaboration with partners.

d) Cllr WM: At Community Safety Forum cuts to the Drugs and Alcohol Action Team were mentioned that were proposed to be offset by Interreg funding. Looking at the needs assessment of the drugs and alcohol pilots we should be looking for additional funding, not offsetting or going back to old ways of working. Also, as we move more to partnership working, how do members of the public know who is responsible/ who to complain to? What are the implications for IC of the Police and Crime Commissioner?

JB: Yes responsibility for services does need to be made clear. On PCCs, we are building on the work of the drugs and alcohol pilot and other initiatives to integrate better with Sussex Police. Simon Nelson will be working closely on some of the intractable issues.

DM: All commissioning has an accountable Strategic Director and a lead commissioner, so accountabilities - including responsibilities for the 'stop points' in data collection and analysis - will be clear. Relating to Community Safety, an integrated commissioning and delivery team should be established by April - there will not be salami-slicing or a reversion to old ways of working. As Strategic Director I am responsible for achieving citywide outcomes working closely with eg Graham Bartlett, Linda Beanlands, the Probation Service and other Safe in the City Partners. The advent of the Police and Crime Commissioner next year and joint commissioning is a chance to look again at LATs, the role of Community Safety Forum and scrutiny arrangements. Increasing accountability to people living, working and visiting the city is a good question for the LSP and PSB.

e) Cllr LL: The financial squeeze is a driver for IC and there have been good lessons from the pilots on value for money. It would be useful to know how much the pilots have cost.

JB: These are opportunity costs rather than real costs; I will find out

TS: We can achieve more together without it necessarily costing more eg around culture change such as challenging alcohol licensing policy plus engaging with people who cause disruption and retailers of alcohol. Regarding VFM, the Alcohol Programme Board has a Commissioning Plan based on improved cost effectiveness and delivering a better service. For substance misuse, getting more people drug free, and moving more away from methadone drug replacement towards recovery and rehabilitation means we should get 'more bangs for our bucks.'

DD: The cost of alcohol to the city - more than £100million - was the starting point. We did a needs analysis and looked at the services provided in the City and where to get best value for money and best interventions, such as moving to a more 'preventive' approach.

SN: Financial efficiency is important. Those 250 fewer victims of assault last year meant there were 125 investigations that we did not have to do, with 250 fewer presentations at A&E as well. For our team the most important drivers will be the difference we make to service recipients and public satisfaction.

f) Cllr TJ: What plans are there regarding a move to the committee system and the role of scrutiny?

JB: Commissioning decisions will be taken by Committee; the detailed structure is open to debate.

g) Cllr TJ: Member involvement is important but a lot of what we have heard here is new information, so will it be improved by the Committee system?

JB: In my opinion yes, because more Members will be involved than currently. IC is based on data rather than personal opinions and the more people involved in assessing a problem and agreeing how to fix it, the better the solution is likely to be.

h) Cllr VB: With better partnership working; what will be effect of IC on the community and voluntary sector?

Gordon McCullough (Acting Chief Executive Community and Voluntary Sector Forum (GMc): Yes the sector broadly welcomes services from a range of providers based on need and a more holistic approach and we support the principles and direction of travel. The Community and Voluntary sector was involved to varying degrees in the scoping and needs analysis for the pilots but there has been a lack of communication and understanding since then on how the pilots have developed. If organisations were here listening to the lessons learned, then some of the frustrations and concerns about the impact of future commissioning cycles would have been allayed. The sector supports new ways of providing services and has a massive role to play in identifying need, finding shared solutions and providing services. The Council and public services are changing and the community and voluntary sector also has to change to work better in partnership. It is now a matter of how the sector can be better involved in the future.

i) Cllr KN: A committee system might speed up some of the commissioning action and should not cause difficulties– do you agree?

JB: Yes, and we need to get Member involvement right; that brings oversight and local involvement and decisions on spending public money rest with Members. Scrutiny in the Committee system is being debated. IC and Committees are not mutually exclusive.

j) Cllr GM: there will still be a role for pre-decision scrutiny.

k) Cllr CS: How does IC deal with potential conflicts of interest eg in needs analysis; how are small businesses represented and how are the needs and good of the City taken into account?

JB: We want 'challenge' at the needs analysis stage, including from Members, on issues like who has provided data and the impact on small businesses in various parts of the city. The risk is that it will take too long to get the data; it will never be enough. Scoping can be taken to Committee for Member agreement. That point is well made.

TS: We do have to engage with providers including small businesses; this has been done with the alcohol pilot; eg there are different opinions related to on- and off-sales. Next year there will be a new approach to obesity and businesses like fast food retailers will be involved. Needs analysis can take a long time but it is essential to engage with the public and providers and this is reflected in the template for undertaking needs assessments.

DM: We have made sure hotels and smaller businesses are included in the big alcohol debate. There are often contradictory views over complex issues. We need to balance the time taken with the different views expressed.

l) Cllr TJ: It would be helpful to invite the Council Leader to answer questions on Intelligent Commissioning in say 6 months' time.

m) GM: Our comments will be forwarded to the Administration. Does anyone want to add anything?

n) TP: The discussion has demonstrated that IC has become embedded in what we do; it is the process we use now. Adult Social Care and Children's Services have been jointly

commissioning with health and the third sector for years and this is now taken for granted. I think IC will be integrated across the whole city and also taken for granted in the future.

o) Cllr MF: As Councillors we need information on the 'hows,' i.e. how IC is being done so we can actively communicate it to the public

JB: Yes that will be done. My job is prose and Councillors' is poetry.

SN: Hen and Stag parties are good examples where we now have a broader understanding of the impact of events in the City.

p) Cllr MF: I'm reassured that IC is going to help Members make political decisions.

CSt: This is a 'scientific' process that uses evidence, but we are also artists. We are painting a great picture and it just has to be seen more.

DM: Yes we need to talk to people more. Another example of 'how' IC is being done is Soundscape, an innovative project that has brought together partners to show where sound impacts positively and negatively on the City.

56.16 Councillor Gill Mitchell OSC Chair said it was regrettable that the Commission had not had today's information earlier and that there had been no chance to question progress on IC since March. She said it would be beneficial for all Councillors to hear progress and she would be looking to schedule a further update for scrutiny. Councillor Mitchell thanked all the contributors for a helpful discussion.

56.17 RESOLVED; that a further update on intelligent commissioning be requested together with an invitation to the Council Leader.

57. THE FUTURE FOR DISCRETIONARY GRANTS

57.1 Lead Commissioner Communities and Equality Mary Evans (ME) introduced the report on the vision, criteria and process for the 3- Year Strategic Grants 2014 – 2016, for which there was a long lead-in time, and Annual Grants 2012- 2013. The report had been written with the support of representatives of the Community and Voluntary Sector who had emphasised the importance of the grants programmes in consultations on intelligent commissioning. She noted that the budget was not yet finalised.

57.2 ME highlighted the value of the grants programme to residents, recipient organisations and the local authority and summarised the draft vision and criteria based on the Corporate Plan and Sustainable Community Strategy, together with the application procedures and decision-making process. She pointed out the details of current grants, showing the wide range of recipient organisations.

57.3 The Chair Councillor Gill Mitchell invited questions and comments for taking forward to January Cabinet.

a) WM: Regarding active citizen participation; how are Neighbourhood Councils envisaged to link with the grant funding process?

ME: The grant funding is not specifically to support the development of Neighbourhood Councils - that would be separate - but any organisation that fit the criteria can apply and can be supported

DM: This is a good question for the future. A key point is that, while we are encouraging interesting ideas on new forms of neighbourhood governance, we do need to avoid communities competing over finite resources. There would be a separate pot of money and we hope generally to be able to give the go-ahead for Neighbourhood Councils where agreed by Members.

57.4 Jonathan Best Grants Manager detailed more of the background to the grants programmes and the types of organisations eligible to apply for different funding streams. He answered questions on the role of officers and Members including Members Advisory Group (MAG) and the Cabinet Member plus the £3,000 level of grant provided to MAG for comment as set out in paragraph 7 (report Appendix 2 page 23 refers).

b) CS: Its good to see a long list of organisations we support especially when we can encourage innovation.

DM: The Team also does great work to help organisations secure funding from alternative sources.

57.5 Members recalled the call-in of the Grants decision on the Crewe Club in the previous 3-year round of funding and noted that the organisation concerned found an alternative support package.

c) MF: I prefer written references to be included where possible (eg paragraphs 4.5, 4.6).

JB: Much of the source material is included on the website and in the All-Councillor annual report.

d) SP: How will the economic climate impact on the funding overall – will the list of organisations get shorter?

ME: We can't fully fund all CVS organisations we would like to, and other sources of funding may be removed, but funding of core costs can help organisations to function and apply elsewhere. It is possible that fewer organisations will receive grants in future years.

JB: We have also done a lot of new work this year (report Appendix 1) to help grant recipients in relation to future intelligent commissioning opportunities, shared outcomes for the city in line with the priorities of the Corporate Plan and Sustainable Community Strategy,

GMc: Across the sector more organisations are facing crisis. We are relieved that the grants programme is being maintained at this level. It is like the engine that drives the sector. Without it, organisations that are mostly small in Brighton & Hove, would not be able to attract other sources of funding. At present organisations do not necessarily have all the skills and capacity needed to come together to bid for commissioning which are much larger pieces of work. Intelligent commissioning linking with grant funding is further advanced here than at local authorities.

57.6 Members noted that the Grants Team was well-received and widely respected and thanked the officers for their work

57.7 RESOLVED: That feedback be provided to Cabinet and the proposed vision, criteria and process for a full programme of grants 2013-16 including both Three Year Strategic & Annual be endorsed.

58. OSC DRAFT WORK PLAN

UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEES; CYPOSC

58.1 Councillor Stephanie Powell said she enjoyed Chairing CYPOSC, and tackling challenging topics. As well as 8 cross party Members CYPOSC also comprised 7 co-optees: 2 statutory educational representatives and a parent governor, CVSF, youth services representative from the University plus one representative each from the youth council and from the 16+ Advisory Board.

58.2 She had seated the Youth Council and Voluntary Sector representatives nearest to her as Chair CYPOSC meetings, to ensure they are heard.

58.3 So far the 3 public meetings had included: presentations from senior managers; Ofsted inspections on safeguarding and looked after children; services for children with autism for which CYPOSC requested a satisfaction survey; the Parent Carer's Council views on the future of SEN, plus SEN pilots. CYPOSC also received a letter from Cllr. Mitchell on calculating home to school distances for school admissions, and asked for a report.

58.4 The Committee had commented on primary and secondary schools performance, plus post 16 education and training, partnership working and Local Authority support. Careers advice and implications of schools test results were also raised as significant issues.

58.5 Either as CYPOSC Chair or together with CYPOSC Deputy Chair Cllr Jeane Lepper, or with the Committee as a whole, Cllr Powell had met with CVSF, Youth Council reps, Amaze, and visited City College. She also planned to attend a meeting of Special Schools head teachers.

58.6 The Committee had held workshops on the draft youth services strategy. In the New Year CYPOSC hope to hear about a needs assessment on children's homes, homelessness and the cost of emergency hostel provision in April.

58.7 Asked about Academies in Brighton & Hove, Cllr Powell said CYPOSC would need to consider this and other changes to education, in its next work programme.

59. ITEMS TO GO FORWARD TO CABINET, CABINET MEMBER MEETING OR FULL COUNCIL

59.1 It was noted that comments on Intelligent Commissioning and Grants would be forwarded to Cabinet Members.

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of