

**BRIGHTON & HOVE CITY COUNCIL**  
**OVERVIEW & SCRUTINY COMMITTEE**  
**2.00pm 20 OCTOBER 2014**  
**COUNCIL CHAMBER, HOVE TOWN HALL**  
**MINUTES**

**Present:** Councillor Mitchell (Chair)

**Also in attendance:** Councillor Janio (Deputy Chair), Brown, K Norman, Wilson, Bowden, Hawtree, Powell, Summers and Davey

**Other Members present:** Councillors

**PART ONE**

**27 APOLOGIES AND DECLARATIONS OF INTEREST**

Councillor Gill Mitchell Chair of the Overview and Scrutiny Committee welcomed everyone to the meeting.

**27.a Declarations of Substitutes**

There were no substitutes

**27.b Declarations of Interests**

Councillor Bowden declared an interest as the Chair of the Economic Development and Culture Committee with the lead responsibility for the seafront.

**27.c Declarations of Party Whip**

There were none.

**27.d 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.

**28 MINUTES****MINUTES**

Councillors were reassured that Scrutiny would check the minutes template to ensure that their attendance was fully recorded. Councillor Janio confirmed that he had been in attendance at the previous meeting.

Subject to the amendment above, the minutes of the meeting held on 14<sup>th</sup> July 2014 were agreed and signed by the Chair.

**29 CHAIRS COMMUNICATIONS**

The Chair explained that agenda item 35 on School Playing Fields would be taken next to enable the officers involved to attend another meeting after this.

Giles Rossington, Acting Head of Scrutiny, then provided a verbal update on developments from the Trans Equality scrutiny panel. A very positive meeting had taken place between the Chief Operating Officer, NHS England, a representative of the Trans community and Nicky Cambridge of the Policy Team. He had also spoken to Geraldine Hoban of the Clinical Commissioning Group (CCG) who confirmed that extra mental and emotional support was being provided to those on the pathway and the plans were being amended accordingly. It had been confirmed that specialised services were commissioned nationally though and so there was little that regional teams could do. However the commissioning was being re-organised which would lead to co-commissioning in a year or two. The local CCG was committed to do all it could to provide an effective service, for example providing a satellite service. He confirmed that this was very positive feedback and he would distribute full notes when they became available.

OSC Deputy Chair Councillor Tony Janio stated that a member of the Conservative Group, not the Labour Group, ought to take the position of OSC Chair.

**30 PUBLIC INVOLVEMENT**

There were no items.

**31 MEMBER INVOLVEMENT**

There were no items.

**32 REPORT OF THE SCRUTINY PANEL ON SEAFRONT INFRASTRUCTURE**

Councillor Mitchell introduced this scrutiny panel report. The report was wide ranging and attracted the views of a wide range of stakeholders. The scrutiny had involved a shocking visit to the propped structures on the seafront, as well as the newly refurbished Arches. Tensions had been uncovered between how the seafront was managed and the budgets involved. A key recommendation was to establish a co-ordinated management programme. The seafront

needed to be a higher priority in terms of planned maintenance while growing its ability to generate an income. Lessons had been learnt from the regeneration of London Road. Given the sums involved, the council needed to be bid ready. The panel had benefitted from Dr Angela Benson, a university co-optee, who had been able to provide up to date information on how tourism works and suggest the need for a survey. Councillor Vanessa Brown, another panel member, emphasised the challenging and complex needs of the seafront and the importance of a long term solutions to issues such as the collapsed road. A coherent plan was needed alongside an investment strategy which could attract the full range of funding sources. One had to balance the good news of the Arches with the issues facing Madeira Terrace and Shelter Hall. Councillor Ian Davey, also on the panel, emphasised the historic underspend on the seafront which had led to the scale of investment needed now to reconstruct and renew the seafront. He was keen to see the public realm improved, especially in linking the town to the seafront.

Members warmly welcomed the report and then raised a number of issues, including:

- Transport concerns: such as the wish to have seen the issue of the pinch points on the seafront road included as well as the traffic flow round the seafront and work being done to Valley Gardens
- The possible impact of ring fencing, that if one reserved £1.5million for the seafront then would need to find an extra £1.5million for extra care
- While crowdsourcing is an interesting suggestion, the Saltdean Lido now needs £10million. A local lottery was another fund raising suggestion
- Should parking be included in the revenue streams when looking at ring fencing? Even though the Seafront Development Initiative of 1992 referred to exorbitant charges
- The need to have a coherent plan for the whole seafront and possible developments such as Black Rock and King Alfred could give us the chance to spread opportunities down to Saltdean
- Exploring the opportunities to sell off certain seafront premises, or explore other means of income generation. Although concern was then expressed that a key part of the income stream from the seafront was the rental income from the council owned properties. It was felt that a change of ownership could be an option for assets that were not fulfilling their potential
- The seafront could benefit from securing similar protections to those for Stanmer Park, to give assurance that work would continue in this vital location even when there was any political change
- Concern about the accessibility of the seafront, given the evidence provided by Dr John Hastie - that the panel should have asked for a commitment to accessibility being a vital issue in the ten year plan for the seafront

**RESOLVED:** That OSC endorse the report and refers it on to the appropriate policy committee(s).

### **33 REPORT OF THE SCRUTINY PANEL ON SHORT TERM HOLIDAY LETS (PARTY HOUSES)**

Councillor Bowden, as the Chair of the panel, introduced the report and thanked their scrutiny team for their work. He had received a number of complaints in his ward about Short Term Holiday Lets, only to find that no one department owned this problem. The panel had not been able to resolve the legal issues as secondary legislation was probably needed. He welcomed

the establishment of a trade body, which had been one of the aims of the panel. While a degree of self-regulation was needed, this needed monitoring. The newly established trade association - Brighton and Hove Holiday Rental Association (BHRA) – were being asked to ensure that operators act as ‘good neighbours’. Concerns included that they were springing up in inappropriate areas and these properties were no longer available for family use. It was felt that if they were a business then should be subject to business rates and other relevant charges.

Members thanked officers for producing such a clear and useful report which had drawn their attention to this issue and welcomed the establishment of the BHRA. It was noted that similar problems could arise with language schools. The recommendation regarding notifying neighbours of short term holiday lets was welcomed.

**RESOLVED:** That OSC endorse the report and refers it on to the appropriate policy committee.

### 34 GROUNDWATER QUALITY

Giles Rossington began by explaining that the report was a compendium of expert views on ground water. The council was not the lead body for this issue and the panel would need to work closely with groups such as the Environment Agency and Southern Water.

Geoff Raw, the Executive Director for Environment, Development & Housing, thanked Giles for the report and confirmed that there was not a lead Director for this issue or a lead organisation for the city. Many of the issues were historical, including farming practices and nitrates in aquifers. The council was already working closely with the Environment Agency, Southern Water and South Downs National Park and were engage in discussions about how the council managed its farmland, the biosphere and the natural infrastructure.

Members emphasised the need to work with other authorities in the area to get to grips with this issue. Geoff Raw also reassured members that while the partner organisations were not encouraging us to set up a specific Scrutiny Committee they would be happy to participate in discussions with us.

**RESOLVED:** That OSC establish a sub-group of members supported by Overview & Scrutiny to scope groundwater quality and if the sub-group believe there is the potential for members to add value to the ongoing work to establish a scrutiny panel.

### 35 COMMUNITY USE OF SCHOOL PLAYING FIELDS

Jo Lyons, Assistant Director for Education & Inclusion, began by explaining that the report produced by Michael Nix (Head of Education Planning and Contracts) was a factual summary of the current situation and the legalities of the situation. She explained that the funding and the legal responsibilities for playing fields had been delegated to schools, at the same time their funding was delegated. The key considerations for schools, in relation to playing fields were children’s safety and the availability of the fields.

Members then asked a number of questions. Firstly a member expressed concern whether this report was creating a false impression: he mentioned the village green application in relation to the school playing fields in Old Shoreham Road, and how access to these fields had improved

following road improvements, including the cycle track. Concern was also expressed whether school's offering use of their indoor facilities was a sufficient substitute for the use of outdoor space. Would there be public consultation? Parks such as Hove Recreation Ground were open to the public and to dogs and yet also had pitches where games were played. Officers were also asked whether the panel would look at the practices of other local authorities.

Michael Nix confirmed that the Village Green application relating to the Cardinal Newman Playing Fields was in abeyance while the authority was in talks with local community groups. The authority had provided a draft formal agreement and this was being discussed with Friends of the Field and other community representatives. Public parks are designated as accessible to the public, unlike playing fields, but lessons could be learnt from them. The report set out that it was the responsibility of each school to decide the accessibility of their fields because they managed the space and were liable if there was an accident. Other local authorities had not been formally consulted but it was likely that they too would consider the needs of the curriculum and child safety to be the highest priority.

Other observations by members included:

- Rather than general community consultation, a school should be able to decide if it wished to undertake specific consultation about its fields
- Concerns over dog fouling and the risks they could pose to school children if not properly controlled
- School playing fields should just be opened up for special events such as summer fetes
- The need to investigate the safeguarding issues that public access would raise
- That the BHASVIC field had not been formally recognised as an open space, but had become a de facto open space because of the broken fence
- Would the school bear the costs of policing any opened up space, e.g. to prohibit dogs or enforce closing hours
- Could schools gain an extra income for enabling groups to access their facilities e.g. gyms, in the months when they would be close
- The community library in Mile Oak is shared with the school, showing the benefits of joint school and community use.

Michael Nix confirmed that schools bore the cost of policing and managing playing fields when given the funding for managing them.

**RESOLVED:** That there should not be further scrutiny of this issue.

### **36 LETTING AGENTS: REQUEST TO ESTABLISH A SCRUTINY PANEL**

Bill Parsons, volunteer Social Policy Co-ordinator, from the Citizen's Advice Bureau (CAB) introduced this report. The General Help Unit at CAB receive requests for advice on a wide variety of issues. The top four issues are:

- Debt
- Employment
- Welfare Benefits
- Housing

In the housing sector, a major ongoing problem was repairs and maintenance. He had found the scrutiny report of 2011 on lettings agents and was keen for the issue and the recommendations of the report to be revisited. Giles Rossington explained that the 2011 report had not been monitored as closely as would happen today. The key recommendation was to work with Brighton Housing Trust (BHT) to establish an ethical lettings agency, which had not happened following the failure of the lettings agency BHT set up in Eastbourne. He believed it would be very useful to revisit the 2011 report given that Brighton & Hove has one of the highest proportion of renters in the country with almost three in 10 of the city's private housing stock on the rental market and the evidence of problems reported to advice centres.

Concern was expressed by a member, as to whether this subject was too political at this current time. Giles Rossington confirmed that the Head of Law thought there was no constitutional reason why a scrutiny panel could not look at an issue which had been raised by a political party.

Further comments raised by members:

- There was a petition to Full Council on this issue
- Concerns about deposits being returned to tenants
- The potential for more unscrupulous treatment of, and discrimination against, vulnerable people and low income households
- Increasing council waiting lists and rising house prices were forcing people into this sector
- Some landlords and lettings agents not taking responsibility for waste collection issues
- Importance of supporting CAB by looking at this issue

**RESOLVED:** That OSC establish a sub-group of members supported by Overview & Scrutiny to scope the CAB request for a scrutiny of Letting Agents then subject to these findings, the sub-group establish a scrutiny panel to further investigate this issue.

### **37 FOR INFORMATION: FOLLOW UP TO JULY 2014 SCRUTINY OF CORPORATE PERFORMANCE REPORT**

#### Sickness data

Sue Moorman, Head of Human Resources & Organisational Development, informed the committee that the Q2 2014/15 data has shown a reduction in sickness from 2.75 days in 2013/14 down to 2.46 days. The main reasons for sickness were stress and musco-skeletal conditions. Q2 data also has shown a slight decrease in short term absence. But generally there is a consistent pattern of approximately 40% of absence being attributable to short term sickness and 60% long term sickness. Actions to further address the issues included:

- Training has been delivered to over 100 managers in Adult Social Care, Housing and Cityclean which have higher levels of absence
- Providing managers with improved data to enable them to drill down and better manage sickness absence in their service areas
- The addition of the 'number of return to work interviews' carried out to directorate monitoring reports to enable managers to manage sickness in a more proactive way

- Sickness leads in HR to support each Directorate to scrutinise sickness data and take appropriate action on sickness cases
- Improving occupational health referral times
- Supporting City Management Board initiative to work with partners to share information and good practice on absence management.

Concerns raised by members included:

- Whether buildings contribute to sickness levels. Sue Moorman confirmed that HR were looking at any correlation between Workstyles and absence patterns
- Whether target setting encouraged people to reach those target levels of sickness
- The need to improve working conditions and find out why people were off sick and stressed

#### Employees experiencing discrimination, bullying or harassment

Liz Boswell, Policy & Projects Manager, explained that a personal safety event had been held with partners, including the NHS, Fire & Rescue Service and the Police recently and was attended by over 100 people. This event received very positive feedback and had focussed on tools for minimising the impact of discrimination, bullying and harassment in the workplace. The need to report such incidents had been emphasised, so that the organisation can take action.

#### Equalities Monitoring

She informed members that there were two red indicators:

- The level of BME staff – following the creation of a workforce equalities action plan in 2013, arising from the Global HPO audit of the experience of our BME workforce, it was recognised that in year one significant work was needed to improve the quality and robustness of our data relating to the workforce profile. The year two priority was to re-engage with the community to find out potential barriers to employment. This included a community and voluntary sector event in September to find out how the council was viewed as an employer and to listen to people's experiences of our recruitment process. This information will be used to inform changes to the council's recruitment and selection policies and processes.
- The LGBT profile of staff- it was recognised that the 13% target was a stretch target. The Census did not provide data but Count Me In Too survey reported approximately 16% of residents declaring themselves to be LGBT. Encouraging staff to provide this sensitive information was key to measuring how LGBT applicants fare in the recruitment process.

Members welcomed this useful information but concern was expressed about whether staff felt pressured to disclose sensitive details. They were reassured that it was not mandatory and any reluctance to reveal personal information was respected.

Liz Boswell then explained that there had been significant changes in the city's economically active population, for example the doubling of the BME population in the last 10 years. The council is aiming to get the organisation's workforce to reflect this. Whilst the council encourages its employees to disclose their equality data to help us make better decisions on

improvement activity, we also respect individuals' rights not to tell us. We therefore always provide the opportunity for staff to declare that they do not wish to disclose this information.

In response to a question, Liz explained that to gain information on Trans applicants and staff, we ask people if they identify as the same sex as they were assigned at birth. The council recognised that it needed to engage with the community to better understand the issues for Trans staff and those applying for jobs. The ethos was to have a workforce which accurately reflected the profile of the economically active population in the city, which was why targets had been set. Sue Moorman reassured members that the aim was to encourage staff to disclose their characteristics and understand the benefits of doing this. All this information was kept confidential.

Members expressed concern about the rise in % of employees who reported experiencing discrimination, harassment and bullying in the last year and whether this was connected to increased stress levels in the organisation. Sue Moorman explained that they were working to determine whether this behaviour was coming from external people or customers, or if it was the result of conflict between staff. The annual staff survey is about to close and this will provide a good source of information. For conflict in the workplace, mediation is promoted to deal with issues early where this is practicable so as to avoid the need to go into formal procedures. Where allegations are made about conduct these would be investigated formally under the council's disciplinary procedure.

The meeting concluded at 4.15pm

The meeting concluded at Time Not Specified

Signed

Chair

Dated this

day of