

BRIGHTON & HOVE CITY COUNCIL

OVERVIEW AND SCRUTINY ORGANISATION COMMITTEE

5.00PM – 11 APRIL 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Hamilton (Chair); Councillors Allen, Carden, Edmond-Smith, Mallender, Meegan, Simson, G Theobald (Deputy Chair) Watkins and Young.

Also present: Councillors Hawkes (until the conclusion of item 65C) and Hazelgrove

PART ONE

ACTION

62. PROCEDURAL BUSINESS

62A. Declarations of Substitutes

62.1	<u>Substitute Councillor</u>	<u>For Councillor</u>
	Councillor Watkins	Councillor Davidson

62B. Declarations of Interest

62.2 The following Members declared personal and prejudicial interests in item 71 'Removal of Stock Options from the Agenda of Council on 20th January.' Councillors Simson, Watkins and Allen as Members of the Housing Committee; Councillor Hazelgrove as a Member both of the Housing Committee and the Housing Management Sub Committee.

62C. Exclusion of Press and Public

62.3 The Committee 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 100A(3) or 100 1 of the Local Government Act 1972.

62.4 **RESOLVED** - That the press and public be not excluded from

the meeting during consideration of any of the items on the agenda.

63. MINUTES

63.1 **RESOLVED** - That the minutes of the meeting held on 21 February 2005 be approved and signed by the Chair.

64. PUBLIC QUESTIONS

64.1 There were none.

65A. PERFORMANCE MONITORING: CHILDREN, FAMILIES AND SCHOOLS

65.1 The Chair, Children Families and Schools Committee, Councillor Hawkes and Assistant Director, Strategic Planning and Services briefed the Committee on the matters raised for discussion at the February OSOC meeting; and referred to the officer briefing note. (see minute book)

65.2 The Committee heard of additional provision of a more flexible programme of vocational training including GNVQs, for both 14 – 16 age groups and for post-16 students. A strategic area review was being undertaken by the Learning and Skills Council building on the considerable amount of information that was already available; for example in current levels of achievement at GCSE.

65.3 Members discussed the integration of Comart pupils into all other schools, and the preparation involved including at destination schools, taking into account friendship groups and the need for children to start and finish courses at the same school. All but 10 Comart children transferring this year got their first school preference and 10 got their second preference. School attendance was an issue being addressed in relation to a small minority of pupils.

65.4 Regarding school admissions; some schools were now above their admission numbers; no-one had been disadvantaged by preferences expressed by children who otherwise would have attended Comart.

65.5 Asked about the extra cost of travel incurred by the introduction of scholars' bus passes to those directed to move school, the Assistant Director would provide a summary for Members. **LW**

65.6 Councillor Hawkes said the transfer process had been a fair one and was working well thanks to the sensitive approach taken by the planning team.

65.7 Members asked that EOSP be invited to revisit the November 2002 scrutiny review of school admissions and the extent of implementation of its agreed recommendations. **MvB/JR/CO**

65.8 Regarding proposals for special schools, Members heard that Brighton and Hove City had insufficient capacity for children with the most severe disabilities and high expenditure on out of city schools. Every SEN school had received a good Ofsted report but the balance of appropriate places needed adjusting. A report was to be made to the Children Families and Schools Committee in June which the Education Overview and Scrutiny Panel may wish to receive for information. **MvB/JR/CO**

65.9 The Committee discussed the behaviour of schoolchildren on buses and the related roles of parents, schools, the bus company liaison officer for schools bus drivers, the bus company, community support officers and the police. The Committee heard the measures to deal with bad behaviour on school buses that had been tried and Councillor Hawkes said the matter of how to achieve best practice would be raised at the next available meeting of all the local Secondary Headteachers. **LW**

65.10 Replying to a question on the use and cost of taxis to school for individual children the Assistant Director said these were provided on the basis of risk assessments carried out by the schools. New procurement practices had been introduced; there was no overall increase in the use of taxis. Patterns of taxi and minibus usage change according to the needs of individuals.

65.11 On behalf of the Committee the Chair thanked the officers.

65.12 **RESOLVED** – (1) that the briefing be noted and

(2) that information on the cost of bus passes be provided to Members as minuted above at 65.9. **LW**

65B. BEST VALUE PERFORMANCE REPORT

65B.1 The Committee considered a report concerning the Best Value Performance Report 2004/05 Quarter Three Results (see minute book).

65B.2 **RESOLVED** – That the report be noted.

65C. CORPORATE COMPLAINTS UPDATE

65C.1 The Committee considered a report of the Director of Strategy and Governance providing a summary of complaints and complimenting information about Children, Families and Schools in

the council year 2003/04 (see minute book).

65C.2 **RESOLVED** – That the report be noted.

66. HOVE CENTRE LETTINGS SCRUTINY PANEL

66.1 The Committee considered a report of the Director of Strategy and Governance presenting the findings and recommendations of the Hove Centre Lettings Policy Scrutiny Panel for approval (see minute book).

66.2 Councillor Watkins as Panel Chair introduced the report highlighting that when Hove Town Hall opened in 1973 it provided administrative offices for the then Hove Borough Council and was also intended 'to provide a large number of facilities that residents and holiday-makers could enjoy equally'

66.3 The scrutiny panel recommended that Hove Centre should re-launch its community focus and the pricing structure for room and related facilities/services hire should be made clearer. There should be full Member involvement in establishing a policy on the balance of commercial/community uses to which the rooms are put, and on setting a charging structure for charitable/community/small group hirings. It was anticipated that the panel's recommendations would go to the Culture and Tourism Sub-Committee, but it was also possible that they would be considered by Policy and Resources Committee instead or in addition.

66.4 **RESOLVED** – That the report of the Hove Centre Lettings Policy Scrutiny Panel be agreed for submission to the relevant executive Committee or Sub-Committee and subsequently to full Council. **MvB/EW**

67. PLANNING ENFORCEMENT

67.1 The Committee considered a report of the Director of Environment outlining the general procedures with regard to planning enforcement and informing Councillors about the structure of the Development Control Team in relation to enforcement (see minute book).

67.2 The Development Control Manager said enforcement action, all of which lay within the scheme of delegation to officers, could be very time-consuming. The team has a duty to investigate every complaint and would like to undertake additional monitoring of compliance with conditions; however it was difficult to attract and retain officers in this field.

67.3 Members were concerned that there appeared to be a high workload for a limited number of staff.

MvB/MB

67.4 The Committee asked for relevant data for the May meeting with a view to writing to the Chair of the Planning Applications Sub-Committee with suggestions for representations that may be made to the government on the need to amend the enforcement legislation to improve its effectiveness. Information included for example the number of planning consents with conditions attached, the actual and required level of monitoring for compliance, and numbers of enforcement cases and complaints.

- 67.5 **RESOLVED** – (1) That the report be noted and
(2) that further information be provided to the 23rd May meeting.

68. MOVING SCRUTINY FORWARD

68.1 The Committee considered a report of the Head of Law concerning proposals for improving the workings of the Overview and Scrutiny function in Brighton and Hove (see minute book).

68.2 The Head of Law stated that scrutiny was most effective where there was a genuine tripartite approach taken by scrutiny, the executive and senior officers. The proposals had been widely discussed with the OSOC Chair and Deputy Chair, council leadership and at the management team. They were a firm basis for taking scrutiny forward more effectively now there are two scrutiny support officers FTE and a new management structure.

68.3 The Committee discussed the perception of the role of scrutiny which as a process relatively new to local government tended to be misunderstood. It was felt that criticism could be constructive and this was the approach taken by the scrutiny committee, sub-committees and panels.

68.4 The need for monitoring the implementation of agreed scrutiny recommendations was emphasised by members.

68.5 Two amendments were made to the recommended new ways of working. In relation to paragraph 5.2 (third spot) OSOC agreed that all members of OSOC be invited to the annual meeting with the Chairs of Committees. With regard to section 7, the Head of Law had set out the need for scrutiny link officers in helping to support scrutiny bodies and explained that it was proposed they be either Assistant Directors or third tier officers, but no lower. The responsibilities and seniority of the proposed scrutiny link officers were questioned; following a vote the Committee agreed that link officers should be appointed at least at Assistant Director level.

68.6 Asked about the proposed procedure for initiating a scrutiny activity, the Head of Law said that Members requesting scrutiny would be encouraged and not required to explain how the request

met the scrutiny criteria. This was to assist in OSOC's determination of the request to achieve a proportionate response to the request.

68.7 **RESOLVED** – That subject to all Members of OSOC being eligible to attend the annual meeting with Committee Chairs and the appointment of scrutiny link officers at assistant director level of seniority, the recommendations in the report be agreed.

AG-G

69. SECTION 106 AGREEMENTS

69.1 The Committee considered a letter from Councillor G Theobald requesting scrutiny of Section 106 Agreements and a briefing note from officers concerning developer contributions to sport and recreation facilities (see minute book).

69.2 Councillor Theobald gave a recent example of sculptures agreed as part of section 106 negotiations with developers and said there was a need for more sports provision particularly for adults from contributions secured through the planning application process. He questioned whether the S106 recommendation of the Patcham Place Pavilion scrutiny review was being implemented as agreed.

69.3 The Strategic Planning and Monitoring Manager, Major Projects Officer and Head of Leisure and Events gave information to the meeting. Members heard examples of successful negotiations with developers including skateboard facilities on the Level.

69.4 Members heard that planning officers are negotiating with developers on the basis of local plan policies and in line with the scrutiny recommendations. Developers could be asked for both art and sports contributions; it was not a question of one or the other. A draft supplementary guidance note sets out the number of units in a proposed development for which adults need additional sports provision.

69.5 The ability to seek commuted payments for sports and recreation across the city was constrained by current government guidance. However revised government guidance following a draft issued in November 2004 for comment may allow for commuted payments to be combined into a 'pot' to fund sports and recreation facilities.

69.6 It was likely that specific links with the development would still be required to compensate the community for a range of impacts on the community, including education and transport for example.

69.7 The calculations of impacts from developments were complex and it was important to be clear how the calculations of contributions were made. Cross-departmental support and Member

involvement was needed to underpin \$106 negotiations to secure payments in line with council priorities.

69.8 The implications of the guidance on contributions for sports was considered. Members asked for copies of the current guidance together with comparative information on other contributions to be circulated.

69.9 **RESOLVED** – that further information be provided to Members as minuted above.

MH/JW

70. HEALTH AND SAFETY

70.1 The Committee considered a letter from Councillor G Theobald requesting scrutiny of health and safety issues and a briefing note from officers concerning the Annual Health and Safety Service Plan 2005-06 (see minute book).

70.2 Councillor Theobald said he was concerned about health and safety issues including staffing levels compared with similar local authorities. The Service Plan reported to March Environment Committee had not been called for discussion and in his view it should have a higher profile and closer consideration by Members. Officers had offered to give a personal briefing to Councillor Theobald.

70.3 Following discussion the committee agreed to invite the Head of Environmental Health and Licensing and the Assistant Director, Public Safety to speak to the Committee.

70.4 **RESOLVED** – that the Head of Environmental Health and Licensing and the Assistant Director, Public Safety be invited to discuss the annual service plan on 18th July.

JM/TN

71 REMOVAL OF STOCK OPTIONS FROM COUNCIL AGENDA

71.1 The Committee considered a letter signed by five Councillors requesting scrutiny of the removal of Stock Options from the agenda of Council on 20 January (see minute book).

71.2 The Principal Lawyer advised the meeting that the wording of the request would need further examination if a scrutiny panel were to be established bearing in mind the statutory framework for scrutiny and also since any Panel would find that it needed to consider the decisions taken in the light of the advice given. He understood that the Chief Executive would be happy to report to OSOC on the reasons why the item had been removed from the Council agenda and to questioned by the meeting. This might be an appropriate way forward instead of setting up a scrutiny panel.

71.3 In answer to questions the Principal Lawyer pointed out that according to Standing Order 23 a written report would be needed if OSOC were minded to take the scrutiny request further. If necessary a report could be brought to the 23rd May meeting.

71.4 In accordance with the exemption in the code of conduct, the Committee invited Councillor Hazelgrove to return to the meeting. In answer to questions he indicated his view that a full scrutiny was needed and he would ask a panel to consider his evidence & that of other officers, Members and GOSE officers; if OSOC agreed to ask for an officer report on the request, he would like OSOC to consider his evidence at the same time.

71.5 **RESOLVED** – (1) that officers be requested to report on the request for scrutiny to the next meeting

(2) that further information on the scrutiny request from Councillor Hazelgrove also be considered by the next meeting.

[Note: Councillors Simson, Watkins, Allen and Hazelgrove declared personal and prejudicial interests in item 71 and left the meeting room during consideration of the item. In accordance with paragraph 11(2) of the Council's Code of Conduct, Councillor Hazelgrove was invited to return to the meeting to answer questions following which he left the meeting again.]

72. PERFORMANCE MONITORING 2005-2006

72.1 The Committee considered a report of the Director of Strategy and Governance setting out the current performance monitoring schedule and suggesting a similar programme for 2005-2006 based on the Council's Directorates' service areas (see minute book).

72.2 **RESOLVED** – That the schedule be agreed.

73. PROGRESS ON CURRENT SCRUTINY REVIEWS AND UPDATE FROM THE EDUCATION OVERVIEW AND SCRUTINY PANEL (8 MARCH) AND HEALTH OVERVIEW AND SCRUTINY PANEL (15 MARCH)

73.1 The Chair and Member of the scrutiny panels on eb4U and Comart pfi, Councillors Young and Hamilton, respectively, updated the committee on their work in progress. Both Panels were scheduled to meet the next day, 12th April; Comart pfi to consider its draft findings and recommendations and eb4U to meet for the first time to hear evidence.

73.2 The Committee received draft minutes from EOSP and HOSP sub-committees.

73.3 **RESOLVED** – That the reports be noted.

74. OSOC FORWARD PLAN

74.1 The following items were noted as being scheduled for consideration at the next meeting of the Committee on Monday, 23 May 2005:-

Performance Monitoring:

- Internal Audit Plan 2005-2006
- Strategy & Governance (focus on Major projects and Venues)
- Further information on planning enforcement service

75. ITEMS TO GO FORWARD TO COUNCIL

75.1 It was noted that the report of the Hove Centre Lettings Policy Scrutiny Panel would be reported to council in due course together with any reply from the Culture and Tourism Sub-Committee and/or Policy and Resources Committee.

MvB

The meeting concluded at 20.15 pm

Signed

Chair

Dated this

day of

2005