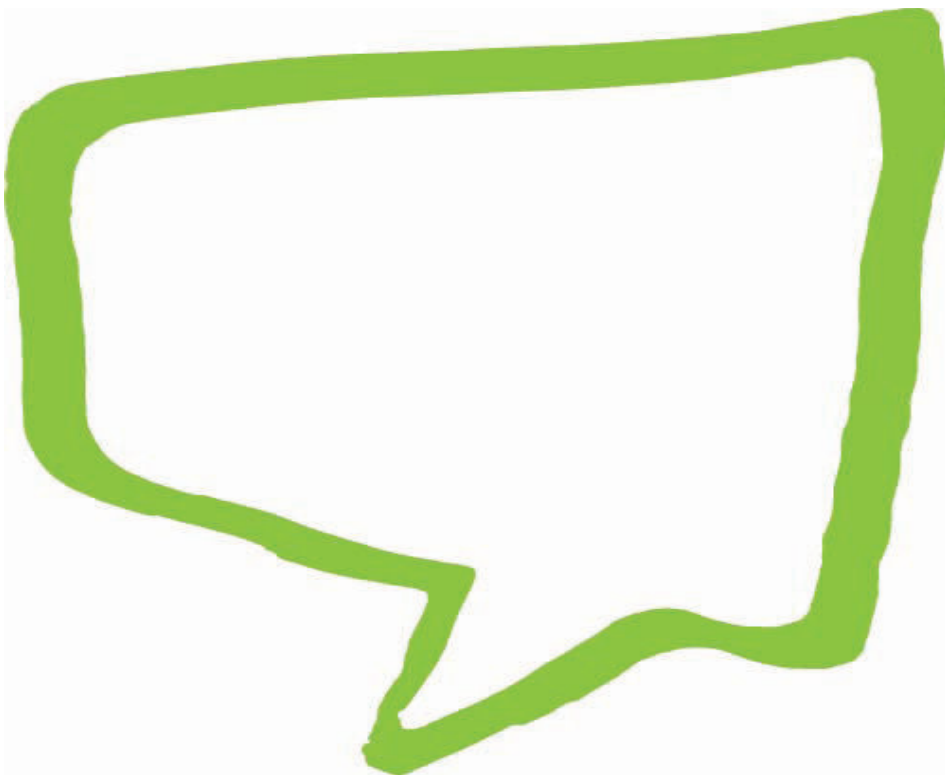


# Good Governance

Brighton and Hove City Council

Audit 2008/09

December 2009



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## Status of our reports

The Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission explains the respective responsibilities of auditors and of the audited body. Reports prepared by appointed auditors are addressed to non-executive directors/members or officers. They are prepared for the sole use of the audited body. Auditors accept no responsibility to:

- any director/member or officer in their individual capacity; or
  - any third party.
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# Introduction and background

- 1 Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and culture and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.
- 2 Governance arrangements in the public services are closely scrutinised and sometimes criticised. Significant governance failings attract immense attention and one significant failing can taint a whole sector. Local authorities are big business employing over 2 million people and accounting for 25 per cent of public spending. They are vitally important to all tax payers and citizens. Local authorities have a key role in leading their communities as well as ensuring the delivery of high quality services to them. Good governance structures enable an authority to pursue its vision effectively.
- 3 Good governance leads to good management, good performance, good stewardship of public money, good public engagement and ultimately, good outcomes for citizens and service users. Good governance enables an authority to pursue its vision effectively as well as underpinning that vision with mechanisms for control and management of risk. All authorities should aim to meet the standards of the best and be able to demonstrate that sound governance arrangements are in place.
- 4 This review was included in the 2007/08 audit plan because there was evidence that some of the Council's governance arrangements were not as consistently effective as they could be, The Council's Corporate Assessment in 2006 also noted that there were instances of bullying and harassment of staff from within the Council which can impact on the effectiveness of the control environment.
- 5 The Council introduced a new constitution and cabinet structure in April 2008 which has had an obvious impact on the current governance arrangements. The Council has recently completed its six monthly review of the constitution and will be using this as an opportunity to strengthen specific areas of governance such as the scrutiny function. This report contributes to this review.

# Audit approach

- 6 To complete the performance review we undertook:
  - a document review;
  - interviews and focus groups involving key Councillors, officers and partners; and
  - an electronic survey of Councillors and senior officers to establish their views on the effectiveness of the Council's governance arrangements.
- 7 The survey was sent out to 145 individuals in October 2008 with a reminder sent out in November 2008. We received 75 responses which represents a 51 per cent response rate, which is a good rate of return. Of the requests to 54 Councillors, 21 replied (response rate of 39 per cent) and of the 91 officers surveyed, 54 replied (response rate of 60 per cent)
- 8 The field work was carried out between November 2008 and March 2009.

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# Executive summary

- 9** Governance arrangements within Brighton and Hove City Council are generally sound. There is good formal governance arrangements in place but frameworks and protocols are not always fully understood or consistently applied. The Council has clearly defined roles and responsibilities and decision-making structures but in practice, roles and decision-making powers are not always clear and coherent to all Councillors and officers. Governance arrangements have only been in place since April 2008 and therefore arrangements are not yet fully embedded.
- 10** Community leadership and focus is strong. The Local Strategic Partnership - 2020 Community Partnership (LSP) has developed a shared ambition, with a supporting vision which addresses the key issues facing the city and provides a clear focus for it. However, some key partners and stakeholders stated that they were not clear about the Council's own vision for the city and its role in working with the LSP to deliver the LSP's vision. The Council therefore needs to ensure that it clearly articulates its own long-term vision to all of its partners.
- 11** The Council contributes to the improvement of its area and quality of life for residents and visitors. This is largely as a result of the effectiveness of its service and strategic arrangements in meeting clearly defined priorities. The Council was rated by the Audit Commission as an 'excellent' authority in 2007/08 and is improving well.
- 12** The formal Constitutional framework and arrangements adopted by the Council are sound. The Council has clear formal processes for decision-making outlined in its constitution. Executive Councillor's responsibilities and delegation arrangements for decision making are clearly set out and supported by well-defined roles and responsibilities. However, the responses to our survey indicate there is lack of understanding by some Councillors about the Council's decision making and delegation processes. The Council expects this to improve as Councillors and officers get more experience of working under the new cabinet arrangements.
- 13** The Council constitution was constructed to allow some flexibility in terms of officer and councillor responsibilities. Their respective powers are therefore not mutually exclusive and there is a degree of overlap. However, this overlap can sometimes give rise to the perception that some Councillors are getting too involved in day to day operations or officers are making decisions that should have been taken at the Councillor level. During the fieldwork, some portfolio holders stated that Councillors were interested in operational matters because they wanted to have a good and full understanding of their portfolios. Councillors and officers acknowledge that they would welcome greater clarification of the roles and responsibilities set out in the constitution and related protocols.

- 14** Our work found that some Councillors felt disengaged from the Council's decision-making processes, Overview and scrutiny has been in place since April 2008 and, at the time of the review, was still developing and there are inconsistencies in approach between the six scrutiny committees. Scrutiny currently lacks rigour and is not yet sufficiently robust or challenging of the Executive. Insufficient work has been carried out in preparing Councillors and officers to implement effective scrutiny. Councillors stated that the Cabinet meetings did not enable effective challenge and debate. As a result many Councillors regard full Council as the only real forum where they can challenge policy, debate political issues and have a real impact. The Council however stated that 'some of the perceived problems were inherent in an executive system where most decision-making is reserved for executive members'. The Council is taking steps to implement a number of improvements following their six month review of the constitution.
- 15** The protocols for dealing with issues of ethical standards, conduct and declarations of interest are in place and are generally effective. There is a well-established standards committee. The number of complaints upheld against Councillors is low. The monitoring officer and his team carry out their roles proactively and there is a good working relationship between the standards committee and the Council's legal team.
- 16** The approach to Councillors' development is effective. Portfolio holders have annual reviews. There is a good training programme for Councillors and an excellent induction programme for new Councillors. The Council's democratic services' provides a good service. Councillors feel well supported by their training and better equipped to undertake their role, although some Councillors do not see learning as a priority and have not engaged in the training opportunities offered. Officer support for the cross-party Councillors' development working group has enabled the Council to gain the South East Employers' charter for Councillors' development in September 2008.
- 17** Partnership working is strong and the Council is effective at consulting and engaging with its stakeholders. The Council has developed strong and effective relationships with its partners and there is wide representation from partner organisations on key forums such as the Local Strategic Partnership (LSP) and Public Services Board (PSB). The PSB is well attended and underpinned by partnerships that are responsible for the delivery of the new LAA priorities. However, delivery planning processes, effective data sharing and performance management arrangements are work in progress and are not yet fully embedded.

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# Main findings

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## Community Focus

- 18** Community leadership from the city partnership is strong and the Council plays a lead role in this. The Council with its partners has developed a shared ambition for the city, articulated in the sustainable Community Strategy, which is informed by a range of consultation processes. Their vision for the city is underpinned by a clear statement which recognises key issues. The LSP has a clear understanding of the issues it faces which is reflected in the LSP's vision. This vision is supported by priorities and targets which are being used to inform a revised sustainable community strategy. These priorities have already been translated into the Council's corporate plan and will be reflected in new and refreshed service plans with targets. Some partners and stakeholders have however stated that they were unclear about the Council's long term vision, it's long term strategic direction and what role the Council will play in delivering the LSP's city-wide vision and ambitions. The Council should therefore consider improving the way it communicates its own long term vision to all partners and stakeholders.
- 19** The Council leadership sets priorities having regard to statutory requirements and national guidance and the needs of the community. The Council with its partners has undertaken a good analysis of the needs of the city. Through its Reducing Inequalities Review the Council has completed a thorough analysis of need and this has been used to set the revised Local Area Agreement (LAA) priorities and to inform the Council's Corporate Plan 2008-2011. Stakeholders and community groups are satisfied that the Council knows and understands the city, has analysed needs and listened to the views of residents. One good example is the use of the City Views survey which is used to obtain the views of residents and acts as an effective barometer of the community.
- 20** The Council contributes effectively to the improvement of its area and quality of life for residents and visitors. The Council has been rated by the Audit Commission as an 'excellent' authority in 2008/09 and is improving well. This is largely as a result of the effectiveness of service and strategic arrangements in meeting its priorities. The Council has been successful in engaging and influencing community and partnership views to develop a collective partnership approach.
- 21** The Council is further developing performance management arrangements and planning frameworks to ensure there is a robust planning framework across the Council to consistently translate priorities into action. The Council has been successful in developing collective ownership of priorities by its directors and senior managers, following a period where there had been a directorate or less corporate approach taken on some issues. A consistent planning and performance management framework will provide greater rigour to ensure that the Council's efforts are efficient and economic, complementary and coherent.

- 22** The Council has a clear focus on meeting the needs and improving services for its diverse communities. The Council has adopted an equalities and inclusion policy that emphasises its resolve to serve its diverse communities without discrimination. There are some good examples of the Council with partners reshaping services to meet community needs. Examples include the adaptation of 20 bus stops for the visually impaired, the training of volunteer travel buddies to help people with learning disabilities travel by bus and an induction programme for new taxi drivers on access and equal opportunities as part of their licensing process. Local communities and groups, including voluntary and community organisations generally feel listened to but there is scope for better regular engagement of some hard to reach groups over broad Council priorities and service design (for example, some of the faith groups and recent migrants).

### Recommendation

- R1** Improve communication of the long term vision of the Council to partners, stakeholders and the community, in order to increase their understanding of and commitment to the Council's agenda for the city and to improve their understanding of how the Council operates.

### Operating effectively in a clearly defined role

- 23** The constitutional arrangements adopted by the Council are sound. The Council has formal processes for decision-making and Councillors' responsibilities and delegation arrangements are set out in the constitution. However, some roles and responsibilities are less clearly understood in practice which can affect the effectiveness of the Council's decision making.
- 24** The Council sets out the roles and responsibilities of officers and Councillors in the constitution and there is appropriate training for Councillors that explains the scrutiny and cabinet functions. The respective powers of officers and members are not mutually exclusive and there is therefore a degree of overlap, which could cause confusion. Some officers and Councillors interviewed stated that there were differences in some Councillors understanding of officers' roles and responsibilities. There is therefore a potential risk that some Councillors could become too involved in the day to day running of operations. During the fieldwork, some portfolio holders stated that Councillors were interested in operational matters because they wanted to have a good and full understanding of their portfolios. Councillors and officers acknowledge that they would welcome greater clarification of the roles and responsibilities set out in the constitution and related protocols.



## Main findings

- 25** There is a lack of clarity about delegation powers to support decision-making by officers. There are formal delegation arrangements which are clearly defined for officers and 76 per cent of officers surveyed regarded these delegation levels as appropriate. Seventy-six per cent of Councillors and 81 per cent of officers surveyed agreed that there was a formal agreement on the relative delegation levels for officers and Councillors. However, the level of delegation to officers, although considered appropriate, is sometimes not fully understood by Councillors. Only 46 per cent of officers surveyed felt that Councillors understood the delegation arrangements. In addition, the use of delegated powers by Cabinet portfolio holders varies significantly and is dependent on the confidence, knowledge and experience of the portfolio holder. In some portfolio areas, there are a higher number of service specific decisions that continue to be referred to Cabinet. There is therefore a difference in the way some portfolio holders are utilising decision making powers and arrangements.
- 26** The Cabinet structure did not support efficient and effective decision making. At the time of the fieldwork in December to February 2009, there were nine portfolios some of which cover a small area of the Council's business. This meant that some individual cabinet member meetings were cancelled due to lack of business, were sometimes short with limited decisions being made or were purely an information sharing rather than a decision-making forum. The Council however has recognised this and, following its six month review of the constitution in March 2009, has adjusted the delegated powers for the cabinet members for Central Services, Equalities, Inclusion and Community Affairs and Environment. This will enable more efficient and effective decision-making. In addition, the challenging and complex political environment means that decisions about critical future developments are sometimes delayed.
- 27** The roles of statutory and strategic partners are clear and the Council works well with partners. The involvement and contribution of voluntary and community sector partners is good and they have an effective voice in the local strategic partnership.

### Recommendation

- R2** Review the framework for member and officer relations and the related arrangements to ensure that they are understood and followed in practice. This needs to include:
- joint sessions for senior officers and Councillors to improve their understanding of each others roles and responsibilities and to help develop improved ways of working with each other;
  - a assessment of how well members and officers are adhering to the guidance and protocols relating to officer/Councillors roles and responsibilities and behaviours; and
  - the development of a good practice checklist for Councillors and senior managers that clearly defines what is and is not acceptable behaviour and monitor compliance.
- This will enable the Council to develop a clear understanding of the roles and delegated responsibilities of Councillors and officers.

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## Promoting and demonstrating values of good governance through behaviour

- 28** Councillors generally adhere to the Council's code of conduct. There is a clear expectation amongst Councillors of all parties that they conduct themselves in an appropriate manner in accordance with the code. The majority of Councillors and officers surveyed felt that the values the Council expects them to follow are clearly set out. There is a code of conduct for Councillor/officer relations and standards and behaviours for officers are set out in the leader and manager standards. However, only 40 per cent of officers surveyed felt that Councillors demonstrated commitment to the Council's organisational values in the way they conducted themselves. Councillors consider that the leadership usually acts quickly on the occasions when Councillors' behaviour is inappropriate. However, there is a risk that behavioural issues, if not dealt with effectively, could adversely affect working relationships between Councillors and officers.
- 29** There are positive working relationships between most Councillors and officers. The change of political administration in May 2007 was difficult but most have now got used to the new arrangements that included the Cabinet system of governance. For example, clear roles and responsibilities have been established in children's services with regular budget and performance reviews. However, both Councillors and officers acknowledged that mutual respect for the professional judgement and roles and responsibilities of Councillors and officers needs to continue to improve.
- 30** Working relationships between individual officers and Councillors are improving but are not consistently effective across the Council. Some officers continue to hold the view that some Councillors' actions impact on the timely delivery of the Council's business. For example, there are instances where information has been provided to the press inappropriately. This poor behaviour could result in the Council being less open and limiting its sharing of information.
- 31** The quality of public meetings and effectiveness of full Council, cabinet meetings, committees and panels is mixed. Both officers and Councillors expressed some concern about the effectiveness of meetings. There is an excessive use of questions and motions at full Council, because the opposition regard this as the only real forum, where they can have an impact. The Council meeting in January 2009 had 18 Councillors' questions and 10 notices of motion. The full Council meeting is therefore long and is not an effective show case for the public. Councillors recognise that many of the motions will not all be debated or are inappropriate but are then used in promotional political material. This means meetings are not meaningful to many Councillors and to the public and could discourage engagement in the democratic process.

## Main findings

- 32** Relationships between political groups are limited and there continues to be some suspicions by opposition members about the effect of the new Cabinet system on the transparency of local government. This has placed a significant responsibility on the Council to address these concerns and ensure that matters of governance and conduct are effective and are given greater exposure. Council officers have developed a strategy for addressing these concerns and have taken appropriate steps. For example, protocols are in place to allow officer briefings for the opposition groups on an ad hoc basis and the Council has recently reinstated the monthly meeting of the leader and the political opposition leaders after an 18 month absence. There are formal and robust mechanisms in place to review and manage the conduct of Council business and the Council regularly reviews its constitution to ensure it is fit for purpose. However, despite these actions some Councillors of the opposition parties continue to feel uninformed and disengaged with the current political arrangements.
- 33** The protocols for dealing with issues of standards, conduct and interest are in place and are generally effective. The Monitoring Officer and his team carry out their roles proactively and there is a good working relationship between the standards committee and the Council's legal team. Eighty-five per cent of Councillors and 67 per cent of officers who responded to our survey consider that there are formal and effective arrangements in the Council to ensure and promote good ethical governance. There is a training programme for Councillors, including a specific module on ethics and probity issues. The number of complaints upheld against Councillors is low. In 2007/08, there was one complaint about Councillors' misconduct to the Standards Board and four complaints to the Council under the new devolved procedures. All were rejected and no breach of the Code was found.
- 34** There is a well-established Standards Committee that includes three independent members from different professional backgrounds, one of whom is the chair and is highly experienced, well regarded and respected. Where there is a risk that a Councillor could breach the code of conduct, the Council uses informal processes initially to try to manage the issue. For example, the Chair of the Committee together with the Monitoring Officer takes an active approach to ensure that issues do not escalate and require formal intervention. The Committee's profile however could be raised, such as by actively promoting an understanding of the benefits of the ethical agenda inside the Council. This will help the Council to further improve the way inappropriate behaviour is dealt with. There is a clear understanding about the arrangements for the declaration of Councillors interests and the register of interests is readily available to the public.
- 35** The Council's whistle blowing policy is not well publicised and more work is needed to strengthen arrangements for reporting (in confidence) incidents of inappropriate behaviour. The Council has a policy in place but 56 per cent of officers and 45 per cent of Councillors surveyed did not believe that the Council has an effective whistle blowing policy. In addition, there was a very high percentage of 'don't know' responses to the survey by senior officers and Councillors for this area. This means that the policy has not been effectively communicated to Councillors and officers.

- 36** The Council is providing greater clarity about the core values and behaviours that it wants staff to adhere to in the workplace. It was however difficult to establish whether the Council's expectations are being adhered to and consistently applied by all staff and their managers. The Council is in the process of producing a dignity at work framework that sets out its key values and behaviours. This framework has been developed in response to the issues raised about staff well-being in the 2006 Comprehensive Performance Assessment (CPA) report and the 2007 staff survey. However, the majority of officers and Councillors interviewed were unclear when the framework will be completed or what improvements have been made, since the staff survey. In undertaking our work we did not gain access to front line staff, so it has not been possible to fully establish how well the Council has responded to the issues raised by the CPA report and the 2007 staff survey. Evidence from the survey of officers and Councillors however indicated that 80 per cent thought that bullying by staff is not tolerated within the Council.

### Recommendation

- R3** Strengthen and raise the profile of the standards committee in promoting good ethical behaviour and standards across the Council.

### Taking proper decisions and managing risk

- 37** The Council's decision-making powers are properly constituted and backed by clear protocols, but there is not always a clear understanding of what is required. Officers are generally clear about who can take decisions and generally officers with delegated authority do take decisions, when it is appropriate. Statutory partners and most senior staff report that most key decisions have been made quickly, for example, the Falmer Academy Private Finance Initiative (PFI). There are, however examples where decisions are being delayed despite funding being in place. Executive Councillors report that there is clarity about which decisions can be taken and by whom. However, the use of decision-making powers by portfolio holders remains variable. Some are taking the appropriate level of decision for their role, while others continue to refer most of their decisions to Cabinet.
- 38** Recent changes relating to the removal of some decision making from officers has been interpreted by some officers as a lack of trust in their abilities and integrity, notably the re-introduction of Councillor's selection panels for the appointment of Assistant Directors. However, the changes reflect standard practice in most local authorities where Directors and Assistant Directors are appointed by senior Councillors.

## Main findings

- 39** The communication of decisions taken by the Council is considered to be effective by officers and stakeholders, but not by Councillors. Officers interviewed stated that team briefings are working well in the directorates. Forthcoming decisions are included in the Cabinet's Forward Plan and formal decisions at Cabinet are quickly put on the Council's website. There are live webcasts of Council, Cabinet, Planning and Scrutiny meetings and all cabinet member meetings are open to members of the public. Recordings of the webcasts can also be viewed from the website archives. Some Councillors however do not regard the Cabinet's Forward Plan as a useful or accurate document. In addition, there remains a perception by opposition Councillors that too much business is undertaken confidentially and too many decisions appear to have been made before they are debated openly. Whilst it is recognised that the Council's practices and arrangements are in line with most other councils, the Council needs to look at ways of addressing these current perceptions. In addition, not all Councillors receive regular updates about key changes to Council personnel or service delivery. Statutory partners and voluntary partners consider that the Council is good at consulting with them before decisions are taken and is good at keeping them informed about key changes.
- 40** The Council's risk management of its own operations is good although risk management arrangements involving partners are recognised by the Council as an area for improvement. The Council acknowledges that more assurance reporting and standardisation and sharing of risk registers needs to take place. The Council has made some improvements such as aligning risk matrices between the health partners, the Council and the Civil Contingencies Act partners.
- 41** Scrutiny under the cabinet arrangements is still developing. Scrutiny lacks rigour and insufficient investment had been given over the last few years to prepare Councillors and officers to ensure that the scrutiny role was fit for purpose. Training has not developed the skills needed to support effective scrutiny. A new structure has been in place since April 2008, but this is not yet functioning effectively and there are inconsistencies in practice between the six scrutiny committees. The understanding of the role and function of scrutiny is not yet fully embedded although Councillors are beginning to understand roles and responsibilities.
- 42** The Council has recently begun building capacity to support effective scrutiny and there is a strong commitment to strengthen scrutiny. The Council has now appointed a permanent head of scrutiny and six full time scrutiny support officers to address the current weaknesses. During 2007 the Council established an audit committee to advise the Council on all matters related to corporate governance. Officers and Councillors are determined to introduce more effective challenge and scrutiny of the Executive to ensure that all political parties are involved in informing policy development. These developments are however very much work in progress and further work is needed to strengthen the current arrangements. The scrutiny work programme is not well established and does not effectively enable cross party Councillors to be engaged in policy development work or for potential calls on officers time to be planned in advance. Councillors have not yet considered the balance on their agendas of officer initiated items and Councillors commissioned items. Agendas are large and focus on information sharing, rather than scrutiny.

## Recommendations

- R4** Develop confidence in the transparency of the new political processes by improving scrutiny arrangements. The Council should:
- use the co-ordinating scrutiny committee to produce guidance for officers on the formulation of agendas, work programmes, prioritisation of business and resource implications of its work;
  - develop the skills needed for effective scrutiny; and
  - ensure that the scrutiny role focuses more on proactive review/challenging of decisions, rather than info-sharing.
- R5** Embed the new political arrangements and learn from best practice by working with similar councils who have been recognised as having effective decision-making and democratic processes.

## Developing the capacity and capability of the Councillors

- 43** The capacity of elected Councillors is good and it continues to develop amongst Councillors who were new to the Council in May 2007. The intake improved the balance in the age mix and gender of Councillors, although Black and Minority Ethnic (BME) representation is low. The Council does not have a clear strategy for engaging with prospective Councillors and developing existing Councillors' potential. There is therefore scope for improving the level of BME representation and strengthening succession planning for Councillors. The Council needs to re-launch the Councillors' buddy system to develop those Councillors that have been identified as having leadership potential.
- 44** Executive Councillors are becoming clearer about their new roles following the change of administration in 2007 and are becoming more confident in their roles. In 2007, the skills levels of those elected as Councillors varied considerably, but an induction programme and continuous skills development programme for Councillors is in place. Most Councillors have responded well to the move to a Cabinet structure and the Cabinet usually operates at a strategic level. Councillors have worked hard at understanding their specific portfolios and in some areas such as children's services they have developed a strong and effective working relationship with officers.
- 45** There are no job descriptions/person specifications or agreed specific and measurable performance criteria for formally performance managing Councillors including Executive Councillors. Performance of Executive Councillors is monitored informally by the Leader of the Council but this is ad-hoc. None of the political parties have a process for evaluating the effectiveness of individual Councillors. This means the Council cannot be certain that Councillors are effective and that those Councillors who represent the Council on external bodies are the most appropriate to do so.

## Main findings

- 46** There is a good training programme for Councillors and an excellent induction programme for new Councillors is in place. New Councillors praised the induction programme used following the May 2007 election and the formal training for Councillors of statutory committees, such as planning. Other support to Councillors includes corporate briefings to update Councillors on changes to law, policy or services as well as Councillor-specific skills workshops such as chairing meetings. Democratic services provide a good support service for Councillors and officer support for the cross-party Councillors Development Working Group enabled the Council to gain the South East Employers' Charter for Councillors Development in September 2008. Councillors feel well supported by their training and better equipped to carry out their role.
- 47** The approach to Councillor development is effective although the take up of training opportunities by Councillors is inconsistent and a number of Councillors do not see learning as a priority. Councillors' development processes and programmes have been designed based on well-established national development frameworks. The Council uses generic competencies for the different roles Councillors undertake and uses these to assess Councillors training needs. Councillors are required to complete an annual self-assessment against these competencies to determine their training needs. This is used to shape Councillors development events. These events are evaluated and Councillors are sent additional follow up reviews to identify the difference learning has made to their knowledge or skills. However, there are a number of reasons for some Councillors not undertaking training. For example, long serving Councillors feel there is no need for them to have training whereas others work full time and found it difficult to find the time to take up training. The lack of attendance by some Councillors means that core training modules such as scrutiny, equalities and diversity, and the code of conduct have been missed by some Councillors. This is a significant omission for the Council.
- 48** Partners report that Councillors' conduct on the various forums and boards is appropriate and professional. There is no formal process to ensure the Council is properly represented by Councillors with appropriate skills although generally the profile of the allocated Councillors matches the needs of the partnership.

### Recommendation

- R6** Develop a process to review specific Councillor roles and to ensure the effectiveness of individual Councillors across all the political groups by providing the necessary development and support, where gaps are identified. The focus should be on improving Councillors impact for the benefit of the people of Brighton and Hove.

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## Partnership working and engaging with stakeholders

- 49** Partnership working is strong and the Council is effective at engaging its stakeholders. The Council has strong and effective relationships with partners both through the LSP and the Public Services Board (PSB). There is wide representation from partner organisations on these forums and a strong collective ownership of the vision and priorities for the city, which are clearly reflected in the targets set for the new LAA. The PSB is well attended and underpinned by thematic working groups that are responsible for the delivery the LAA priorities.
- 50** The Leader of the Council is establishing herself with strategic partners and partners reported that they valued the work done by the recently retired Chief Executive in prioritising and driving the development of an effective city-wide partnership. Most Councillors feel involved and have an identified community role. Seventy-six per cent of Councillors and 83 per cent of officers surveyed were clear about the partners with which the Council is working to improve outcomes for users. Seventy-one per cent of Councillors and 74 per cent of officers consider that the Council works effectively with partners. Effective community leadership is helping the Council to work in partnership to support delivery of the citywide vision.
- 51** Partnership working is also developing well at an operational level. The Children's Trust has fostered a strong culture of multi-disciplinary team-working and through strong partnership and inter-agency working has contributed effectively to the delivery of projects, such as the Falmer Academy PFI Project. Within adult social care, good use is being made of joint commissioning and partnership working to improve the economy, efficiency and effectiveness of local services, particularly to increase the levels of independent living. In addition, the strong community safety partnership has achieved 'beacon status' for its work on the night time economy. This has led to improved feeling of safety and reduced crime.
- 52** Robust delivery planning, data sharing and performance management arrangements are not yet fully embedded. Delivery plans have been formulated and agreed by partners for each LAA priority and the emphasis has been placed on the partners to deliver improvement. The partnership acknowledged that there was scope to improve data sharing between partners, for example, the sharing of data between the hospitals and the Crime and Disorder Reduction Partnership (CDRP) on alcohol related injury. The partnership is taking appropriate action to ensure that data sharing is improved by developing the new Brighton and Hove Local Information System (BHLIS), which is a web-accessible system and is fed with data from all partners. Performance management arrangements require further enhancement to meet the challenging LAA agenda to ensure that there is a robust joint partnership approach to performance management. Partners stated that there was insufficient challenge to under-performance, particularly in the themed partnerships. For example the significant increase in the number of teenage pregnancies.



## Main findings

- 53** Overall the Council's approach to community consultation is good. The Council has a good track record of involving the community in local policy formation and programmes and has developed effective networks to consult and involve the people they serve, for example neighbourhood renewal schemes. The Council is a proactive partner that is willing to engage in local issues and Councillors of all parties are actively engaged, both formally and informally, with their communities. There are good examples of the Council harnessing support from some Councillors of the community, for example the business community in relation to the Brighton Conference Centre development and it is taking steps to make more effective use of the large pool of expertise, knowledge and enthusiasm that exists within the community. The Council with its partners is also further strengthening engagement with the community with the introduction of a new outline framework for consultation within the city - the community engagement framework. The framework sets out the strategic vision and guiding principles for community engagement and priority actions to improve engagement.
- 54** The Council has a good system for consulting with the partners and the community about the needs of the community and the priorities for the city. The Council uses its citizen's' panel, Xchange, for consultation and customer feedback. The panel is effectively managed and is used as the main vehicle for seeking the views of city residents about their satisfaction with specific services or issues. This shows, with some exceptions, broad satisfaction with many areas of the Council's work. Officers try to ensure that people with disabilities and those from minority communities are included in the panel. As the panel is drawn from those on the electoral roll, young people under the age of 17 and those not registered are excluded from the process and as a result the views of youth are insufficiently taken into account. However, the children's trust ensures that children and young people are consulted about policy developments. For example, the consultation of children and young people about the children and young people's plan and the referendum on schools admissions policy.
- 55** The Council uses the information from Xchange and 'City View' to effectively inform strategy and policy development. The annual 'City View' survey of 10 per cent of the city's population is run in partnership with the Council's health and police and community safety partners. It aims to build up a clear picture of who lives in the city, why they like living there, what they think about Council services, their health, the city generally and their local neighbourhood. The information from the two surveys has been used in developing strategies to tackle crime and disorder, initiatives for young and old people, maintaining a visible police presence on foot for Friday and Saturday nights, replacement and upgrading of bus shelters and improved signage, Brighton and Hove's Transport Plan and the Council's Waste Strategy. A report on the previous survey, together with an update on any action taken, is sent via a newsletter. The Council makes appropriate use of its website to seek comments on draft policies and plans and to invite general feedback on its activities.

- 56** There are strong consultation frameworks for partners, stakeholders and staff in place, but the process for providing feedback on the outcomes from consultation is unclear. Fifty-seven per cent of Councillors and 62 per cent of officers surveyed believed that there were effective systems to listen to suggestions from external stakeholders, but over 58 per cent of Councillors and 56 per cent of officers thought that the Council did not take action in response to the suggestions made. In addition, 48 per cent of officers felt that the systems for responding to staff views were ineffective. The Council is strengthening the process to ensure feedback on the outcomes from any public and stakeholder consultation is provided to ensure that the community is fully informed of any changes made as result of their consultation.
- 57** The quality of reporting on Council performance to the public is mixed. The Council has been slow in developing user friendly performance reporting information for the public and service users. There is insufficient information on how the Council has performed against its corporate priorities. The Council currently produces an annual performance plan and an associated summary that sets out key inspection ratings and limited commentary on performance. The overall performance plan includes performance indicators, but this plan does not relate the performance indicators to the Council's priorities. It is therefore difficult to determine how well the Council has delivered its key priorities. The performance plan is set out in tabular format but there is limited commentary highlighting achievements against priorities and areas for improvement. The links between the indicator results and the Council's statements of its achievements and future plans are not clear. Elsewhere, access to other information on performance is not easily available, for example information on meeting customer service standards and dealing with complaints. Pages on individual directorates and services consisted mainly of descriptions of the range of provision available.
- 58** External communication is developing. The Council has appointed a Communications Manager and is in the process of modernising its external communication functions including the production of a new communications strategy. This is work in progress and it is therefore too early make judgements on how effective the new arrangements are.

### Recommendation

- R7** Ensure the community is better informed about the Council's priorities and performance, in particular identify with greater clarity key service and corporate performance targets as a basis for communication with, and reaction from, the whole of the local community.

# Appendix 1 – Action Plan

Pg no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
<b>Good Governance Review</b>						
8	R1 Improve the communication of the long term vision of the Council to partners, stakeholders and the community, in order to increase their understanding of and commitment to the Council's agenda for the city and to improve their understanding of how the Council operates.	3	Director of Strategy and Governance Head of Communications	Yes	As outlined in the report, there is a shared vision and agreed priorities with our partners as reflected in the emerging Sustainable Communities Strategy and our LAA. However, the Council will continue to ensure that the Council's vision and priorities are understood through working with the LSP, PSB and through our Communication Strategy generally.	March 2010

Pg no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
9	<p>R2 Review the framework for member and officer relations and the related arrangements to ensure that they are understood and followed in practice.</p> <p>This needs to include:</p> <ul style="list-style-type: none"> <li>● joint sessions for senior officers and Councillors to improve their understanding of each others roles and responsibilities and to help develop improved ways of working with each other;</li> <li>● a assessment of how well members and officers are adhering to the guidance and protocols relating to Officer/Councillors roles and responsibilities and behaviours; and</li> <li>● the development of a good practice checklist for Councillors and senior managers that clearly defines what is and is not acceptable behaviour and monitor compliance.</li> </ul>	3	<p>Chief Executive</p> <p>Director of Strategy and Governance. Monitoring Officer</p>	Yes	<p>Much of the comment in the report reflects the position as it was at the time of the fieldwork. The situation is much improved with Members and Officers more aware of their respective roles under the executive system. However, it is proposed:</p> <ul style="list-style-type: none"> <li>● that the Standards Committee reviews the Member/Officer code and any associated issues as part of its ethical governance role;</li> <li>● that the Chief Executive takes forward any issues about ways of working as part of his role as Head of Paid Service; and</li> <li>● that the Monitoring Officer considers any good practice checklist provided by the Audit Commission.</li> </ul>	September 2010

## Appendix 1 – Action Plan

Pg no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
12	<p>This will enable the Council to develop a clear understanding of the roles and delegated responsibilities of Councillors and officers.</p> <p>R3 Strengthen and raise the profile of the standards committee in promoting good ethical behaviour and standards across the Council.</p>	2	Monitoring Officer	Yes	<p>Since the review was undertaken, the Standards Committee has been active and some of the steps taken include meetings with group leaders and political groups, meetings with senior officers and hearing of complaints against Members. In addition:</p> <ul style="list-style-type: none"> <li>there will be an annual report of the Standards Committee going to full Council where general issues of standards are highlighted;</li> <li>the Committee will review relevant protocols as part of its work programme and issue guidance; and</li> <li>further training and/or meetings with Members will be organised as and when needed.</li> </ul>	June 2010

Pg no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
14	<p>R4 Develop confidence in the transparency of the new political processes by improving scrutiny arrangements. The Council should:</p> <ul style="list-style-type: none"> <li>● use the co-ordinating scrutiny committee to produce guidance for officers on the formulation of agendas, work programmes, prioritisation of business and resource implications of its work;</li> <li>● develop the skills needed for effective scrutiny; and</li> <li>● ensure that the scrutiny role focuses more on proactive review/challenging of decisions, rather than info-sharing.</li> </ul>	3	Head of Scrutiny	Yes	<p>The council has made substantial improvements since the AC review was completed in March 2009. The council has appointed a Head of Scrutiny and 6 Scrutiny Officers. There have been a number of scrutiny reviews, which are starting to deliver real improvements to service delivery.</p> <p>The recent review of Scrutiny good practice has highlighted some action points including a more systematic approach to organising the work of scrutiny and continuing the 'tripartite' meetings.</p> <p>Member training on scrutiny has progressed with support from the centre for public scrutiny.</p> <p>Since the review, scrutiny has been undertaking more policy development and constructive critical challenge and less information only items.</p> <p>The recommendations are therefore already reflected in current practices, but we will keep it under review.</p>	March 2010 and continuing

## Appendix 1 – Action Plan

Pg no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
14	R5 Embed the new political arrangements and learn from best practice by working with similar councils who have been recognised as having effective decision-making and democratic processes.	2	Director of Strategy and Governance	Yes	There is a periodic review of the Constitution, on average every six months. The opportunity will be taken to identify good practices from elsewhere and incorporate them where necessary. We will work with the Audit Commission to identify authorities or Teams recognised as models of good practice.	December 2010
15	R6 Develop a process to review specific Councillor roles and to ensure the effectiveness of individual Councillors across all the political groups by providing the necessary development and support, where gaps are identified. The focus should be on improving Councillors impact for the benefit of the people of Brighton and Hove.	3	Director of Strategy and Governance Head of Law Head of Democratic Services	Yes	This will be referred to the Member Development Working Group to be progressed as part of the Member Development Charter Plus initiative.	December 2010

Pg no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
18	R7 Ensure the community is better informed about the Council's priorities and performance, in particular identify with greater clarity key service and corporate performance targets as a basis for communication with and reaction from the whole of the local community.	3	Head of Policy Head of Communications	Yes	This will be progressed as part of the emerging Corporate Communications Strategy and through work via the LSP and the Community Engagement Framework.  Corporate Communications will build on its 2009/10 strategy to close the gap between satisfaction with services and overall satisfaction with the council. The strategy continues to focus on the external reputation of the council; a strong and consistent dialogue with residents and stakeholders; supporting our internal people agenda and the development of modern public service communications function dealing with the media and marketing (including social marketing).	



Pg no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
					<p>The Corporate Communications Strategy is informed by research into city profiles and citizens' service needs. The strategy also has focuses on 'building from within' to ensure staff are informed of council policies and are committed to the ambitions of the authority.</p> <p>The strategy will be measured through robust performance indicators around internal and external reputational drivers, including external assessment through Local Area Agreement (LAA) and Comprehensive Area Assessment (CAA) performance reports</p>	

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# The Audit Commission

The Audit Commission is an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone.

Our work across local government, health, housing, community safety and fire and rescue services means that we have a unique perspective. We promote value for money for taxpayers, auditing the £200 billion spent by 11,000 local public bodies.

As a force for improvement, we work in partnership to assess local public services and make practical recommendations for promoting a better quality of life for local people.

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