

**BRIGHTON & HOVE CITY COUNCIL
OVERVIEW & SCRUTINY COMMISSION
3.30PM 26 JANUARY 2010
COUNCIL CHAMBER, HOVE TOWN HALL
MINUTES**

Present: Councillors Mitchell (Chairman); Alford, Bennett, Elgood, Meadows, Morgan, Older, Peltzer Dunn, Pidgeon (Deputy Chairman), Randall and Wakefield-Jarrett

Also Present: Councillors Fallon-Khan and Hamilton

PART ONE

65. PROCEDURAL BUSINESS

65a Declarations of Substitutes

There were none.

65b Declarations of Interests

During consideration of item 71 Councillors Elgood and Randall said they were patrons of the Sussex County Foundation.

65c Declaration of Party Whip

There were none.

65d 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.

66. MINUTES OF THE PREVIOUS MEETING HELD ON 15 DECEMBER 2009

66.1 **RESOLVED** That the minutes of the meeting held on 15 December be approved and signed by the Chairman.

67. CHAIRMAN'S COMMUNICATIONS

67.1 The Chairman stated that the Hangleton Bottom Update call-in, agenda Item 75a that had been distributed as a supplementary agenda item, would be brought forward and considered following the Good Governance Report, Item 69.

68. PUBLIC QUESTIONS/LETTERS FROM COUNCILLORS/NOTICES OF MOTION REFERRED FROM COUNCIL

68. There were none

69. GOOD GOVERNANCE REPORT - REPORT OF THE AUDIT COMMISSION

69.1 The Chief Executive introduced the Audit Commission's Good Governance report. This had been considered by the Council's Audit and Governance Committees and for him was helpful to set the context when newly in post. However the report had been drafted in May 2009 and it was important to focus more on the forward-looking Action Plan.

69.2 The Chief Executive commented on the main points raised regarding:

- Councillor roles and development
- Working relationships between officers and councillors
- Timescales and objectivity of reports and how they are presented
- The Council's reputation amongst residents
- Responsibility for positive outcomes from the Good Governance Action Plan
- Encouraging people from minority groups to become councillors

69.3 He said he would deal with any individual concerns if brought to his attention. A Member development working group was in progress. To his knowledge reports were open and informative and based on the best advice and professional judgement. The Council carried out large consultations well however it needed to learn more from individuals' complaints and there needed to be more cross-Council consistency.

69.4 Some Councillors felt that the workload of councillors should be considered in the Good Governance Report and this should be taken up with the Audit Commission.

69.5 Answering questions, the Head of Law set out the process and timescales for producing the Good Governance report; He clarified that, at paragraph 39 of the Main Findings; of the five Overview and Scrutiny Committees, only the Overview and Scrutiny Commission was webcast and like the Council's other webcasts the webcasts were not edited.

69.6 The Dignity at Work policy was due to be presented to the Governance Committee and a report of Bullying at Work was due to be taken to the Standards Committee.

69.7 The Commission wished to keep under review the progress in line with the report's action plan and requested that any specific area as necessary be brought back for monitoring.

69.7 **RESOLVED:** 1) That Members note the report of the Audit Commission

2) That the proposed action in response to the recommendation of the Commission as set out in the action plan listed as Appendix 1 to the Commission 's report be noted.

3) That any specific area as necessary be brought to the Commission for monitoring

70. RECOMMENDATIONS ON BUDGET PROPOSALS FROM O&SCS TO REPORT TO 11 FEB CABINET

70.1 In considering the Head of Scrutiny's report on Scrutiny of Budget Proposals the Commission welcomed the budget proposals information that had been presented this year to Overview and Scrutiny Committees.

70.2 Much information had been provided and clear proposals drawn up, although there was concern that an element of the proposed savings information was taken to CYPOSC with less than 24 hours notice.

70.3 Before evaluating the effect of Overview and Scrutiny input into the budget-making process, and consider whether to approach this differently in future, Members wished to see the final budget proposals.

70.4 Chairman of CYPOSC said she was pleased to have the views of the Committee's co-optees. Rent reviews for seafront businesses were commented upon.

70.5 Chairman of ECSOSC was concerned about subsidised bus services savings and timescales. It was suggested by Chairman of CTEOSC that savings could be made by better use of Council buildings for outside events and more of the council's own business such as interviews for senior posts.

70.6 The Commission asked that in the future Equality Impact Assessments of budget proposals be provided for overview and scrutiny and published.

70.7 The Chairman thanked everyone for attending for this item.

70.8 RESOLVED: 1) That the report be noted and minutes of budget O&S meetings be forwarded to 11 February Cabinet

2) That the budget scrutiny process be considered at a future meeting

3) That the following suggestions be taken forward;

- Better use of Council buildings for outside events and council's own business
- That EIAs be provided in future budget rounds

71. BRIGHTON & HOVE THIRD SECTOR RECOVERY PLAN

71.1 The Grants Officers introduced the report on the draft Brighton & Hove Third Sector Recovery Plan. During questions on the draft Plan he also detailed the range of support given to groups within the Council's Strategic and Annual Grants programmes.

71.2 Members welcomed the report and the opportunity to see it at a draft stage where they could constructively input into its development.

71.3 Members asked why the Plan had been renamed and deferred and why it appeared only now, as it had been first drafted in June 2009. The Head of Cabinet Support reassured Members that action where needed had and was being taken. The delay in presenting the report and the change in name was as a result of deciding to develop the approach in partnership with the Third Sector.

71.4 Officers would provide information on the Sussex Foundation Trust, the financial contribution of the third sector to the city and promoting the Credit Union more widely amongst staff and Members.

71.5 **RESOLVED:** that the Commission's comments be taken forward in the development of the Third Sector Recovery Plan

72. COMPREHENSIVE AREA ASSESSMENT

72.1 The Head of Partnerships and External Relations and the Head of Policy introduced the report on the Comprehensive Area Assessment 2009.

72.2 The positive aspects of 'reducing crime and improving safety' were particularly welcomed.

72.3 Officers would provide further information to the Commission on meeting the minimum requirements in the Organisational Assessment (introductory table, description of scores)

72.4 Information on the 'Get Involved' Programme would also be forwarded.

72.5 The Chairman stated that the CAA would help inform the annual work plan that would be brought for approval to a future meeting.

72.6 RESOLVED: that the Commission

1) Notes the findings and judgements contained within the Comprehensive Area & Organisation Assessment reports

2) Asks Overview and Scrutiny Committee Chairs to take account of the CAA report and action plan when developing work programmes.

73. MANAGING HEALTH INEQUALITIES; REFERRAL FROM AUDIT COMMITTEE

73.1 The Commission considered the report relating to the referral from the Audit Committee on Managing Health Inequalities and the recommendation was agreed.

73.2 **RESOLVED;** That the report be referred to ASCHOSC for further consideration.

74. SCRUTINY PANELS - UPDATE

74.1 The Commission received an update on progress on Scrutiny Panels and agreed to note the report.

74.2 **RESOLVED;** That the report be noted.

75. OSC WORK PLAN

75.1 The Commission considered the work plan and noted that a new draft annual plan for Overview and Scrutiny would be reported to a future meeting. More public involvement in O&S would be encouraged.

75.2 **RESOLVED;** That the report be noted.

75a CALL-IN REQUEST FOR HANGLETON BOTTOM

(Note this item was considered after item 69 on the agenda)

75a.1 Councillor Hamilton introduced the call-in request on the Hangleton Bottom Update decision taken at 18 January Central Services CMM meeting.

75a.2 He said this decision had been denoted as a key decision (CAB 5498) on the Council's Forward Plan (FP) for some time and in particular there had been no change in the entries on the FPs published on 11 December 2009 and 15 January 2010.

75a.3 He contended that in agreeing the 18 January CMM report recommendation ('That the Cabinet Member approves the suggested approach to marketing and creating an informal planning brief for this council owned site as set out in the report.') that half of the key decision ('To seek agreement to the marketing approach and future use of the site') had already been taken.

75a.4 The decision had been marked 'deferred' on the 15 January FP but because a substantial part of the decision was taken on 18 January only 3 days later, it had not been properly taken in his view. He asked that the Commission refer the decision back.

75a.5 Councillor Morgan pointed out the importance of the Forward Plan in the Council's Constitution. He said this decision taken by 18 January CMM appeared to be identical to that marked 'deferred' on 25 previous Forward Plans. He questioned the openness of the decision and therefore proposed that it be called in.

75a.6 Councillor Fallon-Khan said this was not a substantive decision and did not meet the 'key decision' criteria. This was merely an exploratory report on market testing, before testing options and consulting and a report to cabinet. The future use of the site was not part of the 18 January Cabinet Member report and a further report would be considered by Cabinet in due course.

75a.7 The Assistant Director of Property and Design gave full details of the long process of market testing that would lead to either disposal or non-disposal of the Council-owned site.

75a.8 The Commission discussed the use and accessibility of the Forward Plan and the Chairman stated that the next meeting would include a report on this.

75a. 9 Councillor Meadows stated strongly that she thought the way the decision was made gave a wrong impression, and that she did not have confidence in the Forward Plan.

75a.10 The Lawyer told the meeting it was reasonable that the Cabinet Member did not consider this a key decision as it did not result in expenditure of more than £500,000 and did not have a significant impact on two or more wards. He said the Key Decision as listed on the Forward Plan was more substantive and therefore in legal terms it is separate from the CMM Decision taken. The Head of Law told the meeting that a working group was considering some aspects of the Forward Plan and that the decision could have been made under delegated powers.

75a.11 Councillor Morgan proposed that OSC refer the CMM decision of 18 January back to the CMM together with the recommendation that 'the decision be deferred pending the decision being advertised in the FP in accordance with the Council's Constitution, and that it then go to Cabinet for decision in accordance with the current FP.' This proposal was seconded by Councillor Meadows.

75a.12 The Commission did not agree to refer the decision back and the Chairman thanked Councillors Fallon-Khan and Hamilton for attending the meeting.

75a.13 **RESOLVED:** having noted the report and additional information that the decision be not referred back.

76 ITEMS TO GO FORWARD TO CABINET MEMBER, CABINET OR FULL COUNCIL

76.1 It was noted that scrutiny comments on budget proposals would be taken forward to 11 February Cabinet meeting.

77 HANGLETON BOTTOM UPDATE CALL-IN - EXEMPT CATEGORY 3

77.1 The Commission did not consider any exempt information at this meeting.

78 PART TWO ITEMS

78.1 The Commission did not consider any exempt items at this meeting.

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of