

DISCLAIMER

The attached minutes are DRAFT minutes. Whilst every effort has been made to ensure the accuracy of the information, statements and decisions recorded in them, their status will remain that of a draft until such time as they are confirmed as a correct record at the subsequent meeting.

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY MANAGEMENT BOARD
HELD ON 22ND OCTOBER 2013 AT 6.00 P.M.**

- P Councillor Pickup (in the Chair)
- P Councillor Bailey
- P Councillor Brain (substituting for Cllr Khan)
- A Councillor Champion-Smith
- A Councillor Eddy
- P Councillor Goulandris
- P Councillor Hammond
- P Councillor Holland
- P Councillor Hopkins (substituting for Cllr Champion-Smith)
- P Councillor Kent
- A Councillor Khan
- P Councillor Telford

OSMB

39.10/13

**APOLOGIES FOR ABSENCE, SUBSTITUTIONS AND
INTRODUCTIONS**

Apologies were received from Councillors Champion-Smith, Eddy and Khan.

OSMB

40.10/13

CABINET MEMBER QUESTIONTIME

The Mayor replied to questions which had been submitted in advance by Councillors Hopkins, Morgan, Martin, Leaman and Jama. The questions are appended to these minutes as Annex A.

The Mayor also responded to questions which were asked by councillors at the meeting.

A webcast of the Mayor's question time may be viewed on the Council's website at the following link :

<http://www.bristol.gov.uk/page/council-and-democracy>

A summary of actions which were agreed to by the Mayor in response to members questions is appended to these minutes as Annex B.

**OSMB
41.10/13 PUBLIC FORUM**

No items of public forum had been received.

**OSMB
42.10/13 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**OSMB
43.10/13 MINUTES – OVERVIEW AND SCRUTINY MANAGEMENT BOARD – 12TH SEPTEMBER 2013**

RESOLVED - that the minutes of the meeting of the Overview and Scrutiny Management Board held on 12th September 2013 be confirmed as a correct record and signed by the Chair.

**OSMB
44.10/13 WHIPPING**

No whipping was declared.

**OSMB
45.10/13 CHAIR'S BUSINESS**

The Chair commented that in relation to the budget process, he was asking officers in collaboration with spokespersons, to review the scheduling of scrutiny commission meetings during the pre budget period. This was in order to ensure that there is sufficient time for commissions to review the parts of the council's budget affecting their areas of work. Commissions' findings could then be reported to the Resources Commission as part of its consideration of the draft budget as a whole.

**UPDATE ON IMPLEMENTING THE FULL COUNCIL
RESOLUTION ON BLACKLISTING**

The Board considered a report of the Service Manager, Legal (agenda item no. 8) providing an update on progress with implementing the full Council resolution on blacklisting.

During discussion, reference was made to the following;

- A member commented that the action intended by the Council on blacklisting had, thus far, received very little publicity. More needed to be done to publicise what the Council was doing;
- The Service Manager, Legal indicated that if it was possible to issue a press statement on the Council's intended action, then this would be done;
- Firms response to the proposed letter to them about blacklisting was likely to be of considerable public interest;
- In relation to the "self cleansing" process described in the report, a member enquired as to who would be the arbiter of whether action taken by Council suppliers of goods and services to repair the damage caused by blacklisting and the arrangements put in place by them to prevent a recurrence, were sufficient. The Service Manager indicated that it would be a senior officer of the Council who would make that judgement;
- Members indicated that they would like the monitoring of the process to be undertaken by Scrutiny. It was noted that the review of such information would likely need to be taken in exempt session.

After further discussion, it was:

RESOLVED -

- (1) that the report be noted, and**
- (2) that oversight of the "self cleansing" process be undertaken by the Resources Commission.**

OSMB

47.10/13

OVERVIEW AND SCRUTINY WORK PROGRAMME 2013/14

The Board considered (a) progress with its own work programme and (b) progress with scrutiny commissions work programmes for the period to October 2013 (agenda item no. 9).

During discussion about the Board's work programme :

- Mayoral Fairness Commission – it was explained that a paper would be brought to the next Board meeting providing both an update on progress with this commission and with all of the other mayoral commissions;
- Role of the authority in education provision – progress with the work of the Committee was on going and evidence was still being taken from a range of witnesses. Work was linked to the Cabinet's work on reviewing education strategy. It was agreed that the final report be signed off by the Chair and party leads in order to ensure that it could be got to the Cabinet meeting on 5th December;
- The Corporate Equality plan should include an account of the effort which is being made by the Council to communicate with those sections of the community – such as the disadvantaged, BME groups etc, where normal community consultation processes do not penetrate.

RESOLVED - that the work programme 2013/14 be noted.

OSMB

48.10/13

GRANT THORNTON'S REVIEW OF GOVERNANCE FOR BRISTOL CITY COUNCIL

The Board considered Grant Thornton's review of governance for Bristol City Council and the findings and action plan, and in particular, the external auditor's remarks in relation to the scrutiny function (agenda item no. 10).

During the ensuing discussion, particular reference was made to the following issues;

- The Chair enquired as to who had been consulted by the Auditor about the scrutiny function and its performance and operation. He had not been approached, and he was not

aware of any other member, or officer with responsibility for delivery of scrutiny, having been contacted.

- The Strategic Director, Organisational Development commented that the findings in the report were the conclusions of Grant Thornton, and she was not in a position to comment on how they had reached their conclusions and whom they had spoken to. She was aware that the Auditor had interviewed the Mayor and certain officers, and had indicated that a follow up review would be necessary. It was now important for the Board to consider the findings and to challenge them if necessary;
- A member recalled that, when the Audit Committee had considered the report, the findings in relation to scrutiny had not featured large in that Committee's deliberations as the focus had been on other issues. The main difficulty for Scrutiny in the current environment in terms of holding the executive to account, had been the on-going changes in personnel at SLT level and the consequent loss of "corporate memory" at that level. This was a matter which had also been picked up on by the Auditor;
- It was suggested that John Golding from Grant Thornton, along with the City Director and the Mayor, should be invited to attend the next meeting of the Board to discuss the Auditor's findings in more detail;
- A member said that he did not disagree with the findings of Grant Thornton regarding the effectiveness of scrutiny, but he did not think that fault should be attributed to failings of SLT, as there had been much "churn" at senior management level, or scrutiny staff. What was important was for the Board to now ensure that time is effectively used by scrutiny and focussed on how it can contribute to the development of the Council's policies and priorities. A fundamental review of the Council's constitution was overdue, and he was pleased that the new City Director would be taking this forward;
- A member commented that setting to one side the remarks about Scrutiny itself, the report was in his view damning about management of the Council. This should be a matter which warranted scrutiny by the Board and should form part of any dialogue with the Auditor, should they attend the Board's meeting;

- Members discussed the circumstances which had contributed to current difficulties. These included the departure of the former Chief Executive for personal reasons at a time of change, loss of other chief officers and use of interims, and then the election of a mayor, with no supporting legislative framework of rules and regulations regarding how to operate in a mayoral system. The new Mayor was inclined to take decisions without reference to others, and officers were placed into a position of having to react / respond to those decisions in a somewhat haphazard way;
- A member observed that the scrutiny function would only work if there was effective engagement with it on the part of the executive/Mayor. Under the previous Leader/Cabinet model, whilst the arrangements were imperfect, there was a general appreciation /understanding of roles and relationships. This resulted from the prevailing political environment, whereby those in office at any one time had previously served in scrutiny roles. The change to a mayoral system had altered that relationship, and the Mayor was not currently working collaboratively with scrutiny. Another member noted that there was now unanimity between the Groups that working relations with the Mayor could not continue as they are and needed to change; the City Council had to avoid at all costs, getting into the position that some mayoral council's eg Doncaster had found themselves in;
- The Service Director, Legal Services commented that as part of the review of governance arrangements / the constitution and preparation for the boundary review, he would be meeting a representative from the Centre for Public Scrutiny (CfPS) during the current week, to commission the review of the scrutiny function. CfPS would be briefed on the Grant Thornton audit findings and on the views of the Board.

CfPS would be consulting with the Board's Chair and scrutiny leads as part of their review and it was intended that the review should be undertaken over a period of 8 weeks with a view to its completion by the year's end.

He proposed that detail of the form which the review would take, be presented for the Board's consideration at its next meeting.

After further discussion, it was:

RESOLVED -

- (1) That Grant Thornton, the City Director and the Mayor be invited to the next meeting of the Board to further discuss the findings of Grant Thornton regarding scrutiny;**
- (2) That it be noted that the Service Director, Legal Services will present to the next meeting, details of the proposed CfPS review of the scrutiny function, for the Board's comments.**

OSMB

49.10/13 MAYOR'S FORWARD PLAN

RESOLVED -

- (1) that the Mayor's Forward Plan be noted, and**
- (2) that the Plan should also incorporate decisions to be taken by the Mayor on a personal basis.**

(The meeting ended at 8.00 pm)

CHAIR

COUNCIL MEMBER QUESTION TIME – WRITTEN QUESTIONS SUBMITTED PRIOR TO THE MEETING

A. *From Councillor Hopkins :*

QUESTION A1: The South Bristol recycling centre and the East Bristol pool were put in to the long grass in the Mayors first budget with the justification of some very questionable figures. Officers have now re-examined these in the light of the budget amendment from then Cllr Comer and information supplied by myself and others and we were given an assurance at resources last Friday that these 2 badly needed schemes will be back in the capital programme.

Can the mayor now assure me that he will instruct officers to resume delivery without

QUESTION A2: Given the emphasis that the Mayor has given to reducing reliance upon the car he will no doubt see the irony of the financing of the Arena being heavily dependent upon attracting enough cars to paid car parking at the site but he of course must realise that this revenue, and surrounding residents, would have to be protected by residents parking that extends into the evening.

Can the mayor give an assurance that the cost of this will be built into the business plan for the arena.

QUESTION A3: Can the Mayor give a clear assurance that he will honour his commitment, made to the parks forum during his election, to abide by the PGSS which necessitates the return to the development line at the edge of castle park agreed in 2012 and will he also recognise that his planned felling of 16 mature trees on high St would have a detrimental effect on air quality as well as ambience.

The Mayor has said a lot about air quality and I trust that he has read the latest research with regard to the remarkable ability of the silver Birch and some other trees to reduce pollution by up to 50% and that therefore before any felling is contemplated detailed costed plans are brought forward for 160 street trees in the central area and that these should be provided in addition to other commitments made on tree planting.

B. *From Councillor Morgan*

QUESTION B1: Your commitment to community engagement via our Neighbourhood Partnerships and your aspiration to increase the number of trees in our city are policies I heartily endorse, but this is too often not what I see happening on the ground. The lack of proper and timely consultation over the Redland RPS has been addressed elsewhere and a productive follow-up meeting has been subsequently held with Cllr Bradshaw, representatives of one of our local community associations and the Henleaze councillors. However, there is still much work to be done within the Planning Department,

In Henleaze we currently have two examples of developments, at Waitrose and at St Ursula's, where community and councillor is not taking place at pre-application stage as it should: too little and too late. This is a huge waste of resources as it only results in a loss of good will towards the developer and the Council, numerous objections and queries at application stage that could have been avoided through using local knowledge and negotiation to reach a proposal that is generally accepted.

Following concerns raised by our Neighbourhood Partnership (NP) over the siting of replacement planting of over 100 trees related to the condition on a major planning application, the Chair of our NP, Mr David Mayer, and I as Chair of the Councillor Committee wrote to Cllr Bradshaw and officers over a week ago on behalf of the NP representatives. We had an acknowledgement from Cllr Bradshaw but have not received any response from officers. Meanwhile it appears that there have been even more worrying developments.

Do you agree that, not only should Planning officers be sending out the standard letters that encourage developers and officers to engage with their local community during all stages of the process, including discharge of conditions, but they should also provide contact details of local councillors and community associations, and follow this up by asking what steps have been taken to meet this recommendation?

Have you any other suggestions as to how this situation can be improved? As with enforcement, residents are becoming increasingly frustrated and bitter that their expectations and trust in council processes are not being met.

QUESTION B2: Our Neighbourhood Tree Champion has raised a question with Cllr Hoyt and Tree Bristol, but, as yet, has had no response. She asked:

"In the light of the budget required for the Mayor's Schoolchildren's tree planting scheme (£600,000 has been stated - £400,000 from TreeBristol and £200,000 from an underspend last year) what will be done with the already existing tree planting schemes organised by TreeBristol? One of these was a re-vamp of some streets in Henleaze because Henleaze was identified as a priority ward for Street Tree planting in the 2013/2014 season (=now) and a lot of work was done by representatives, societies and residents in choosing streets. (The figures for the budget are obtained from Gus Hoyt's talk at the last Tree Forum meeting.) Is street tree planting now included in the schoolchildren planting programme? Will the schoolchildren be planting trees in the streets in Henleaze, or is there other money still available for the "normal" activity of TreeBristol."

Would you please clarify the position and arrange for our NP to be given answers to all the queries by our Tree Champion?

C. From Councillor Martin

QUESTION C1 - At the June full council meeting you publicly confirmed that you would publish your diary online. You then retracted this 30 minutes after the meeting via Twitter. Subsequent announcements were made in which you said it would be published from 1st September 2013. To date no diary has been published. I have formally written to you and received no response. Why has your diary not been published, when will it be published and can we please have a copy of your diary appointments since you were elected Mayor and took office?

QUESTION C2 - A recent report in the Telegraph indicated that Bristol was the best city in the UK to live in. The article made the following points: "Bristol, meanwhile, has benefited from its reputation as an environmentally friendly city, with a top-class university and buoyant property market."

In 2008, it was named Britain's most environmentally sustainable city, knocking Brighton and Hove into second place, while in 2009 it was the sole British destination selected in Dorling Kindersley's Eyewitness guide to the top 10 cities to visit. From the article it is

clear that previous administrations have been getting it right for Bristol and putting Bristol first.

Will the Mayor now acknowledge that his manifesto promises – to get Bristol moving; to get Bristol working; to create a healthy and caring city; to foster a democratic Bristol; to make Bristol great; to make it vibrant; to create a safer Bristol - have already been achieved, as confirmed by the article?

Will he now acknowledge that previous administrations had already secured many of his promises or had put them in train and that they were under way?

Will he withdraw his comments about political parties holding Bristol back and acknowledge that they must have been doing something right to have won Bristol the accolade of being the best city in the UK to live in?

Question from Cllr Leaman

QUESTION D1 - I submitted to the Mayor a petition on a traffic issue some months ago and have still received no response, not even reasons for the delay. After a number of inquiries, I was eventually told there were too few staff. Despite repeated promises of responses from the Mayor, I understand a number of petitions – including one from then Councillor Steve Comer – have been left languishing in some dark corner of City Hall. I thought response times were supposed to be improving. But in the case of my traffic petition, I know that a response was written months ago by the service director for transport. So I want to know from the Mayor: a) why he has not signed off on that response; b) how many petitions are still awaiting a response; and c) whether he agrees that these delays and the silence surrounding them do undermine the democratic process and what he is going to do about it.

E. From Councillor Jama

QUESTION E1 - In light of the 90 million pound cuts over three years. What is the Mayor's plan to ensure that the current racial inequality & social deprivation doesn't increase?

QUESTION E2 - In light of the less than adequate consultation in Lawrence Hill for RPS and the Council Tax Reduction. Will the Mayor seek to establish an inclusive consultation process for Bristol City Council?

QUESTION E3 - How will the Mayor do this?

MAYOR'S COUNCIL MEMBER QUESTION TIME – SUMMARY OF OUTCOMES

Councillor NB: "(A1)" relates to questions submitted in advance and listed in Annex 1 above	Action agreed by Mayor
Hopkins (A1)	Mayor agreed to do what he can to support delivery of South Bristol recycling centre and East Bristol Pool schemes but only after consideration of the whole budget.
Hopkins (A2)	Mayor would ensure that funding of Arena project is not dependant on car parking income.
Hopkins (A3)	Mayor has agreed with Parks Forum that the Council will with its partner, replace each removed tree with at least 10 new trees in parts of the city – needs to be sensible negotiation.
Morgan (B1)	Re RPZ experience, Mayor agreed that ways need to be found via the community using cllrs and neighbourhoods to ensure that we reach the people who don't normally engage with the Council.
Morgan (B2)	Mayor did not think that money set aside for street tree planting would be taken from the Mayors school children tree planting scheme. He undertook to provide a more structured written response to Cllr Morgan
Martin (C1)	The Mayor undertook that "before his first anniversary" he will publish a version of his diary on line.
Leaman (D1)	Response re petition on speeding in Kingsweston Lane was responded to but not forwarded on due to problems arising with the change of the council's e-mail system. Mayor understands that all other petitions have been responded to. Delays in responding to petitions are unacceptable
Jama (E1)	Mayor gave an assurance that absolute consideration must be given in any programme of cuts to ensuring that there are no disproportionate impact on minority communities. Council must follow its due processes.
Jama (E2)	Mayor said that he is not prepared to stop the RPZ process in light of alleged shortcomings in consultation process .
Goulandris	Adult Leisure Learning – Cllr Janke was reviewing efficiencies needed; happy to support schemes as long as they are low cost and not financed from other areas of learning provision

Councillor NB: “(A1)” relates to questions submitted in advance and listed in Annex 1 above	Action agreed by Mayor
Holland	Pay day loan company advertising – Agreed that Council should do what it can to discourage payday loans. Cllr Holland cited direct action by Plymouth eg stopping advertising on municipal property such as bus shelters . Mayor endorsed such an approach
Hammond	Refurbishment of City Hall executive offices – Mayor agreed to provide him with details of costs
Brain	Council bulk buying of fuel - Mayor supported discussions with partners with a view to a re-launch of the scheme and to efforts to publicise it in the harder to reach sections of the community. Also supported efforts to better insulate buildings to save energy
Bailey	Officer replies to correspondence/e-mails from councillors and public – noted concerns about deteriorating response times. Agreed that situation needed to improve,
Lovell / Leaman	<p>Housing – Cllr Lovell said that there was a scheme for 170 affordable houses in his ward ready to go; wanted mayor’s help to get the scheme started. Cllr Leaman has similar concerns</p> <p>Mayor agreed to see both councillors for a 20 minute session. Extended invitation to other councillors who want to see him, subject to his other diary commitments.</p> <p>Mayor gave an undertaking that over the next 4 years he would make sure that the number of house built in Bristol was “multiplied by 10” the number of units referred to by Cllr Lovell, and he would work to support the provision of supermarkets in areas where they were needed.</p>
Hammond	Mayor’s Education & Skills Commission – Mayor agreed to provide information re membership for “inclusion in the minutes” (& presumably cc Cllr Hammond)
Hopkins	Unspent capital and revenue moneys – Mayor indicated that any unspent funds would go towards contributing towards the saving which the council has to make in the coming year.