

## **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 21<sup>ST</sup> NOVEMBER 2013 AT 6.00 P.M.**

P Councillor Pickup (in the Chair)  
P Councillor Bailey  
P Councillor Campion-Smith  
P Councillor Eddy  
P Councillor Goulandris  
P Councillor Hammond  
P Councillor Holland  
P Councillor Kent  
P Councillor Khan  
A Councillor Telford

**OSMB**

**50.11/13 APOLOGIES FOR ABSENCE, SUBSTITUTIONS AND  
INTRODUCTIONS**

Apologies for absence were received from Councillor Telford.

**OSMB**

**51.11/13 CABINET MEMBER QUESTIONTIME**

Councillor Massey replied to questions which had been submitted in advance by Councillor Telford. The questions are appended to these minutes as Annex A.

Councillor Massey also responded to questions which were asked by councillors at the meeting.

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

**OSMB**

**52.11/13 PUBLIC FORUM**

A statement was submitted by Even Clarke about the proposed lease of part of the central library building to the Cathedral Primary Free School for school use.

It was agreed that the officers be asked to provide a written response to the issues raised by Mr Clarke.

**OSMB  
53.11/13 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**OSMB  
54.11/13 MINUTES – OVERVIEW AND SCRUTINY MANAGEMENT  
BOARD – 22<sup>ND</sup> OCTOBER 2013**

**RESOLVED - that the minutes of the meeting of the Overview and Scrutiny Management Board held on 22<sup>nd</sup> October 2013 be confirmed as a correct record and signed by the Chair.**

**OSMB  
55.11/13 WHIPPING**

No whipping was declared.

**OSMB  
56.11/13 REVIEW OF THE COUNCIL'S SCRUTINY FUNCTION BY THE  
CENTRE FOR PUBLIC SCRUTINY**

Jessica Crowe from the Centre for Public Scrutiny (CfPS) and Liam Nevin, Service Director, Legal Services attended the meeting for this item (agenda item no. 8).

A member recalled that that the Council had previously embarked on reviews of scrutiny but this had not lead to major change to ways of working. She enquired as to what was necessary to secure buy in by the executive. Jessica Crowe indicated that it would be necessary to establish basic principles as regards role and function of overview and scrutiny first, how this fits in with the executive's work programme, ways of working and what was a reasonable expectation of the scrutiny function within the resources available. CfPS would be able to draw on their experience of the models of effective working arrangements which they had observed in other councils.

Liam Nevin explained that the scrutiny review was being undertaken within the context of work in preparation for the Council's boundary review. A major strand of that work was to

review the constitution and working arrangements within the authority.

In terms of timescale it was envisaged that the review work would be completed by the end of the calendar year and a report would be submitted initially, to Party Group leaders in January. This would be followed by a wider discussion of proposals and recommendations with members.

After further discussion, it was:

**RESOLVED -**

**That the position be noted.**

**OSMB  
57.11/13**

**GRANT THORNTON'S REVIEW OF GOVERNANCE FOR  
BRISTOL CITY COUNCIL**

John Golding and Ginette Beal of Grant Thornton, the Council's external auditor attended the meeting for the discussion of this item, together with Councillor Gollop, Deputy Mayor (agenda item no. 9).

During discussion, reference was made to the following;

- John Golding explained that the audit findings were based on a combination of document review (eg committee papers) and discussions with the Strategic Leadership Team and the Council's statutory officers. The recommendations were based on the Auditors interpretation of the information which they had obtained. There had been no discussions with members at this stage;
- In response to members concerns that they had not been engaged with thus far, John Golding referred to the objectives which had been set for the audit. He explained that the purpose had been to look at the changes in governance arrangements since the Mayor was elected and to test their robustness. The audit had been undertaken within a limited time frame and would form the basis for further work. The current findings, which had facilitated the development of further lines of questioning, would form the basis for the 2013/14 governance audit . That audit would include engagement with members as part of its remit;

- A member commented that member engagement was crucial to resolving governance and structural issues within the Council. Without such engagement, there would not be effective governance. Currently the relationship between members and Mayor was not working; there was a disconnect between the Mayor's perception of the role of councillors roles and vice versa. Councillors had a responsibility in law for ensuring good governance;
- A member noted that the audit had been focussed on the executive. Members played a wider role than just scrutinising the executive. There were a range of functions such as regulatory arrangements, where councillors/committees were responsible for the main decisions that were taken;
- It was noted that a feature of mayoral governance was that the Mayor decided the way in which he/she would govern, and the current Mayor had decided to take all key decisions with cabinet members acting in a consultative /advisory role. A different Mayor could have a fundamentally different way of working, where decision taking on issues within specific portfolios is devolved to individual cabinet members;
- John Golding commented that he agreed with much of what was being said but pointed out that the audit process was not seeking to duplicate the scrutiny review or other reviews, nor was it the Auditor's place to tell the Council what its governance structure should be. The governance audit was about ensuring clarity of roles and responsibilities and to satisfy itself that there was effective decision taking, as part of the broader value for money review;
- The Deputy Mayor commented that the views expressed by the Auditor about the effectiveness of scrutiny were not that dissimilar to the views which had been expressed by some individual members and should be seen as a positive challenge, as effective scrutiny was an important counterbalance to a strong executive, and necessary for good decision making;
- A member observed that a number of the issues such as the interface between the executive and scrutiny and issues regarding an effective forward plan pre dated the Mayor and needed to be resolved as part of the review. Scrutiny should be in the position of being comfortable with working

arrangements with the executive so that it could focus its attention on major issues;

- The Board considered what had changed constitutionally since the election of a Mayor. The Service Director, Legal Services explained that constitutionally, this was relatively little - Council retained responsibility for deciding key plans and strategies as outlined in Article 4 of the Constitution and for determining the budget. The difference was essentially in the change from leader and cabinet to Mayor. A Mayor was elected for a 4 year term of office and could not be removed by Council. The current Mayor had decided to take sole responsibility for key decision taking, rather than to share it with individual portfolio holders.

The Chair noted that another change was the current Mayor's use of media and in particular the social media, to make policy announcements;

- In response to member comments that there was no longer much opportunity for councillors and public opinion to influence decisions of the Mayor, the Deputy Mayor commented that the current mayor was open to persuasion on various issues – the decision to change his proposals for residents parking zone arrangements in the face of concerns from councillors and the public was a case in point.

After further discussion, it was:

**RESOLVED -**

- (1) that the position in relation to the review of governance audit and proposals for a further audit in 2013/14 noted, and**
- (2) that the officers be asked to ensure that the Board receives early sight of the findings and recommendations in the 2013/14 governance audit.**

**OSMB  
58.11/13**

**UPDATE ON THE STATUS OF THE MAYORAL COMMISSIONS,  
INCLUDING THE OUTCOME OF THE LIVING WAGE  
REFERRAL**

The Board considered a report of the Head of the Executive Office (agenda item no. 10) detailing the current situation regarding the

Mayoral Commissions, including the membership, timetable and work programmes, and summarising the outcomes of the Living Wage referral from the meeting of the Overview and Scrutiny Management Board on 11<sup>th</sup> July 2013.

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

- In relation to the living wage, a member expressed the view that the living wage needed to be introduced and embedded in the Council's workforce before attempts were made to encourage buy in by other employers across the City. Councillors should be involved in the work of the Fairness Commission which would be overseeing the delivery of the living wage ;
- The Deputy Mayor commented that discussions with Council unions about the living wage were on going. He explained that there would need to be capacity within the Council's budget for the living wage to be achieved, therefore proposals going forward would need to be either cost neutral or met as part of the organisation's change programme. The intention was to deliver the living wage in the next financial year if agreement between the various parties involved could be achieved. Any changes to the pay levels of employees who are currently below the living wage threshold that were agreed before the end of the current financial year, would be met by a one off payment;
- Members requested that the final proposals of the mayoral commissions be submitted to scrutiny for input, prior to final reports being received by the Mayor/Cabinet. Officers indicated that would be possible;
- It was a matter for scrutiny, if members wished to undertake focussed pieces of work on specific issues which fall within the remit of any mayoral commission. Whilst the Mayor would consider the outcomes and recommendations arising from such work, the Mayor's focus would be on the proposals which the mayoral commissions were making;
- A member noted that a number of commissions which had been set up by other local authorities had faith representatives amongst their membership. He was surprised that none of the Mayor's commissions had faith

representatives on them and he felt that such representation would have been important, especially to the work of the Fairness Commission. The Deputy Mayor indicated that faith communities had been contacted as part of the set up arrangements but finding appropriate individuals who were able to commit time to the work which was required had proved more difficult than had been anticipated;

- A member enquired as to whether womens interests were being adequately covered by Commissions. A Policy Officer indicated that the Fawcett Society and like organisations were being engaged as necessary. The member suggested that the Womens Commission could play a useful and important part in the work of mayoral commissions. It was agreed that this suggestion be taken up with the Mayor;
- General remarks were made about the time which had been taken in setting up the mayoral commissions. It was regretted that the work of a number of the commissions was unlikely to be completed in time to have a significant impact on the development of the 2014/15 budget proposals;
- Members expressed general concerns about the composition of the membership of the expert panels. They lacked balance in their view and more councillors ought to have been involved. Councillors had a wide range of skills and experience which could have been utilised, as well as being the representatives of their local communities. It was felt that if members were part of the process, there would be commitment on their part, to ensure that recommendations arising from the work of the commissions is delivered;
- The Deputy Mayor invited the Board to identify contact members for each scrutiny commission with whom executive members can engage, when recommendations from the mayoral commissions are brought to relevant executive briefings for discussion.

## **RESOLVED -**

- (1) That the update regarding the status of the mayoral commissions be noted, and**

- (2) That concerns about the composition of the mayoral commissions and lack of member involvement be drawn to the attention of the Mayor.**

**OSMB**

**59.11/13**

**CORPORATE PERFORMANCE MONITORING 2013-14**

The Board considered a report of the Head of the Executive Office (agenda item no. 11) detailing the performance indicators, projects and risks being used to monitor progress against our corporate priorities and explains the proposed reporting arrangements.

During the ensuing discussion, particular reference was made to ;

- Officers explained that previously, the first time key performance information was aired in public was when the information was presented to scrutiny commissions; the intention was to build more time into the process in order that scrutiny could identify the indicators that it wanted to home in on in advance and then for supporting information to be obtained and relevant individuals brought in to explain the information;
- A member suggested that for the process to work, a specific meeting might be identified to review performance information. The Deputy Mayor observed that there was a vast amount of performance information available. He thought that it was probably not appropriate to expect officers to edit the information and produce it in a more digestible format. Rather, scrutiny commissions should each target 2 or 3 specific indicators which they wished to monitor over the year;
- It was suggested that Commissions might wish to establish sub-groups tasked with reviewing key performance information relevant to their remits, identifying target indicators and then meeting to review progress on a periodic basis;
- Members considered how the corporate strategy 2013-16 from which the key indicators were derived, might be formally endorsed as part of the budget process. The Deputy Mayor commented that he hoped that it could be approved by full Council as part of the budget process in February. A member commented that he thought that it was important that the

Plan was agreed in the context of the budget and that the themes within the Plan were organised in priority order;

- Members noted officer comments that the performance information in the paperwork had been drawn from Spar.net. Officers might usefully provide guidance for members on how to access the data in Spar.net for themselves and training should also be offered for those who requested it.

After further discussion it was;

**RESOLVED -**

- (1) That the list of performance measures be noted; and**
- (2) That the planned reporting arrangements be approved and that individual scrutiny commissions be asked to identify from the list, the corporate measures and risks which they require reports back on, for consideration at their respective meetings.**

**OSMB**

**60.11/13**

**PROGRESS AGAINST THE EQUALITY PLAN 2012-15**

The Board considered a report of Service Director, Neighbourhoods and Communities (agenda item 12) describing performance against the Equality Plan 2012-15 for the period of 12 months April 2012-March 2013, with a 6 month update of performance to September 2013.

During the discussion on this item, particular reference was made to :

- Members discussed the statistic relating to BME staff who were subject to disciplinary proceedings. Officers pointed out that the figure related to the number of disciplinary proceedings lodged against staff as opposed to the number of individuals who had been formally disciplined. It was agreed that this should be explained in the text. Members thought that the situation was never the less disappointing;
- A member thought that the situation owed much to the cultural competence of managers. In his experience many managers appeared to lack the ability or confidence to deal with performance issues relating to BME staff in the same

manner as for other staff. Hence performance deteriorated, leading to an early resort to formal procedures;

- The Service Director explained that Equalities staff were working with HR on this and related issues, with a view to improving manager competencies. “Train the trainer” sessions were also taking place;
- In response to a member question in relation to diversity training, the Service Director explained that training for tiers 1-3 had now been completed. The focus was currently on training managers at tiers 4 and 5. Diversity training via e-learning would ultimately be extended to all staff. All new starters with the Council were now expected to do the e-learning course;
- The Board expressed concern at the Mayor’s budget proposal which envisaged a £181K reduction in the budget for the Equalities and Community Cohesion Team, which members thought, would have a disproportionate effect on the ability of that Team to continue to deliver their work programme.

After further discussion it was:

**RESOLVED -**

- (1) That the report be noted, and**
- (2) That the Board’s concerns about the proposed cut to the Equalities and Community Cohesion Team budget be drawn to the attention of the Mayor as a response to the budget consultation process.**

**OSMB  
61.11/13**

**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 November 2013 (agenda item no. 13).

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

A member asked for information regarding the Arena project. It was explained that an item on the Arena would be considered by Cabinet on 5 December but that this would be about the selection of an operator model as opposed to the financial considerations.

Members expressed concerns about the potential costs involved and the potential council contribution and financial liabilities, particularly in view of the current financial situation of the authority and the level of cuts which were about to be made.

The Chair asked that the Scrutiny Co-ordinator obtain an update on the financial position prior to the next meeting and inform him accordingly. If necessary he would be asking for the proposed financing arrangements for the Arena to be reviewed by scrutiny.

**RESOLVED -**

- (1) that the Mayor's Forward Plan be noted;**
- (2) that inquiries about the financing of the Bristol Arena project be undertaken as proposed above, and**
- (3) that the council's Corporate Plan should be reviewed by the OSM Board at a future meeting.**

(The meeting ended at 8.55 pm)

CHAIR

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

**Questions from Councillor Telford :**

- How many separate sites were explored for new primary schools in Bristol before the Council accepted the Cathedral Choir School's suggestion?
- Is St Mary's Hospital a financially viable site to use for a primary school?
- Are there any plans for new primary schools in areas of South and North Bristol that currently have oversubscribed schools?

## EXECUTIVE MEMBER/ MAYOR QUESTION TIME – SUMMARY OF ACTIONS

Councillor	Action agreed by Councillor Massey
Eddy	<b>PFI school refurbishment programme</b> – Councillor Massey undertook to provide information about when the schools which were rebuilt/refurbished under PFI arrangements, would revert to local authority management, and the liabilities which would transfer with them.
Khan	<b>Sharing ICT training</b> – Councillor Khan commented on the need for there to be more sharing of the ICT facilities and training that was available in secondary schools, with primary schools. The independent sector also had good ICT facilities and he wondered what scope there was for sharing with state primary schools. He would put his questions in an e-mail to Councillor Massey who undertook to respond.
Hammond	<b>Education and skills – Local Enterprise Zone area</b> – Councillor Massey to pass on to the Mayor, members concerns about the focus of education and skills initiatives on the local enterprise zone area which is potentially to the detriment of other parts of the city which are equally deserving. This gives the impression to the electorate that the Mayor is only interested in the central area.
Kent	<b>Future of childrens centres and early years support</b> – Councillor Massey to provide details of how the planned budget cuts will impact on childrens centres; details of those centres to be retained etc
Kent	<b>Post 16 education in south Bristol, City of Bristol College</b> – Councillor Massey to provide statistics on the employment outcomes for students attending post 16 courses in south Bristol; how many students have obtained employment v's the number of NEETs (and the trend).
Kent	<b>Employment outcomes for students on animal handling courses</b> - Councillor Massey to provide information about the number of students enrolled on animal handling courses in south Bristol who have subsequently found employment and the nature of that employment.