

Birmingham City Council

City Council

4 February 2020



Subject: Motions for Debate from Individual Members

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :

To consider the following Motions of which notice has been given in accordance with Council Procedure Rules (section B4 G of the Constitution).

A. Councillors Meirion Jenkins and Alex Yip have given notice of the following Notice of Motion:-

Motion calling on Birmingham City Council to agree to adopt this motion to respond to the Audit report on Home to School Transport and to review the approach to emergency decisions.

That this Council notes with concern that despite numerous warnings to the Leader and his Cabinet, and promises of lessons learnt, we still see repeated failings in procurement, contract management, risk and project management.

The Council expresses its deep regret and concern that in case of the Home to School Transport Service, these failings - which 'indicate a poor understanding of the importance of safeguarding, inadequate safeguarding arrangements, poor management control, no real contract management, poor quality management information and an absence of KPI's' - have led to some of the City's most vulnerable children being placed at a very serious risk of harm.

The Council believes that this pattern of failure stems from deeply rooted organisational and cultural shortcomings, ultimate responsibility for which rests with the political leadership of the Leader and his Cabinet. The Executive must henceforth treat Scrutiny and Audit with the respect they deserve, providing transparent and timely information and acting upon their suggestions and concerns.

The Council further believes that, looking forward, the concerning findings from the Home to School Transport Audit need to mark a turning point in the management of

supplier relationships. The Council must be transparent with members, monitoring and reporting shortcomings on a regular basis and especially at the points of signing and renewing contracts. Good governance and transparency should not be negotiable.

The Council agrees to consider, as part of the Annual refresh of the Constitution, modifying the constitution such that emergency powers and officer delegations (to sidestep the call in and cabinet process) can only be used where there is a risk of death or injury or where technical or engineering considerations mean that urgent action is required. Notwithstanding the above, no situation may be treated as urgent if it has only become urgent as a consequence of inaction by the Executive having already known of the circumstances that give rise to the urgency. No situation may be treated as urgent simply because of the status of the Council's or a third party's negotiating position.

The Council requests:

- The Executive issue a formal apology to the children and parents of the Home to School Transport Service for the failings that have exposed these children to such unacceptable risks.
- The Executive to report to Scrutiny giving a full account of the number of children placed at potential risk on journeys undertaken when accompanied by staff without appropriate checks, on vehicles not appropriately checked, or on routes the council were not aware of.
- The Executive to report to all Members on the outstanding matters in the Audit report, including invoicing arrangements with ATG;
- Where lawful, to not enter into any contract clauses which limit the ability of the council to properly hold the supplier to account and/or share shortcomings with members.
- The Executive commits to reset its relationship with Scrutiny and Audit Committees by being more open and proactive in sharing issues in advance, however challenging, and genuinely reflecting and acting upon their contributions. In any event, promptly bring to the attention of the next Audit and Scrutiny committee when Executive or officers gain knowledge that any contract in excess of £1m is under performing by more than 5% of the budget or contract performance criteria.
- The Executive commits to the timely production of information in a way that focuses on due process and transparency, and not media management.

The Council further agrees to consider, as part of the Annual refresh of the Constitution, modifying the constitution such that emergency powers and officer delegations (to sidestep the call in and cabinet process) can only be used where there is a risk of death or injury or where technical or engineering considerations mean that urgent action is required.

B. Councillors Roger Harmer and Morriam Jan have given notice of the following Notice of Motion:-

Motion: Calling on Birmingham City Council to agree to adopt this motion to lobby Central Government to reform the local electoral voting system.

“This Council believes it is vital that the results of elections to Birmingham City Council represent the views of the communities we serve as closely as possible.

Therefore, this Council seeks to ask Government to reform the local electoral system for elections to Birmingham City Council to the Scottish system of Single Transferable Vote within multi member wards, which delivers a far fairer result, maintains the link between Councillors and communities and imposes a threshold of support that parties must pass to secure representation in any area

Reforming the electoral system, in such a way, will not only produce a fairer result. It will also make elections competitive in every part of the City, whatever the national political background, radically reduce the need for tactical voting and give an opportunity for residents to choose between candidates from the same party.

This Council therefore resolves to:

- write to the Cabinet Office to ask Government to reform the electoral system for elections to Birmingham City Council to the Scottish system of Single Transferable Vote within multi member wards.”