

BIRMINGHAM CITY COUNCIL

**SCHOOLS, CHILDREN AND FAMILIES OVERVIEW AND
SCRUTINY (O&S) COMMITTEE – PUBLIC MEETING**

9:30 hours on Tuesday 2 May 2017, Committee Room 6 – Actions

Present:

Councillor Barry Bowles [Acting Chair]

Councillors: Sue Anderson, Matt Bennett, Kate Booth, Debbie Clancy, Shabrana Hussain, Chauhdry Rashid, Julie Johnson and Martin Straker Welds.

Other Voting Representatives: Sarah Smith, Church of England Diocese.

Also Present:

Cllr Brigid Jones, Cabinet Member, Children, Families and Schools

John Denley, AD, Commissioning Centre of Excellence

Seamus Gaynor, Head of Strategic Management

Emma Leaman, AD, Education and Infrastructure

Pip Mayo, Service Lead, Commissioning Centre of Excellence

Amanda Simcox, Research & Policy Officer, Scrutiny Office

Benita Wishart, Overview & Scrutiny Manager, Scrutiny Office

1. NOTICE OF RECORDING/WEBCAST

The Chairman advised that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (which could be accessed at "www.birminghamnewsroom.com") and members of the press/public may record and take photographs.

The whole of the meeting would be filmed except where there were confidential or exempt items.

2. APOLOGIES

Apologies were submitted on behalf of:

Councillor Susan Barnett and Evette Clarke, Parent Governor Representative who are unable to take part as they have a pecuniary interest.

Richard Potter, Roman Catholic Representative also submitted his apologies.

3. REQUEST FOR CALL IN – CONTRACT AWARD FOR EARLY YEARS HEALTH AND WELLBEING SERVICE (CO208)

(See document No 1)

Sarah Smith, Church of England Diocese declared a non-pecuniary interest.

Councillor Barry Bowles explained that he would be chairing the meeting as Cllr Susan Barnett was unable to take part in the meeting due to a pecuniary interest.

Cllr Matt Bennett and Cllr Debbie Clancy had requested the call in as they felt it met the following criteria:

4 - the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;

5 - the Executive appears to have overlooked some relevant consideration in arriving at its decision;

6 - the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;

7 – the decision appears to be particularly “novel” and therefore likely to set an important precedent;

8 - there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council;

9 - the decision appears to give rise to significant legal, financial or propriety issues.

Cllr Brigid Jones, Cabinet Member, Children, Schools and Families; John Denley, AD, Commissioning Centre of Excellence, Emma Leaman, AD, Education and Infrastructure and Pip Mayo, Service Lead, Commissioning Centre of Excellence advised why the decision was made and provided details of the previous and future consultations and the previous and future equality analysis.

RESOLVED:-

That the decision made by Cabinet on the 18th April 2017 was not ‘called-in’ (by a vote of 7 votes to 2, with one abstention). However, a letter would be sent to the relevant Cabinet Members highlighting the following concerns:

- There was a lack of transparency, clarity and information contained within the Cabinet report, albeit not to the extent that would warrant a call in. It was felt that there should have been sufficient information available from the previous equality impact assessments and from information gathered during previous consultation and procurement exercises to produce at least a draft or provisional equality impact assessment which, if necessary, could have been presented as part of the private report.
- On several occasions officers stressed the financial and other costs that would be incurred as a result of any delay if this decision were called in. In our view the possibility of a call in is one that is perfectly foreseeable and therefore officers

should ensure that appropriate time is built into the decision making process so that no extra costs can be incurred because decisions are 'called-in'.

4. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

None other than the call in discussed today.

5. OTHER URGENT BUSINESS

The Committee thanked Benita for her hard work and wished her well.

6. AUTHORITY TO CHAIRMAN AND OFFICERS

RESOLVED:-

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

The meeting ended at 10.50 hours.