

Special Audit & Standards Committee

Date: **26 March 2021**
Time: **4.00pm**
Venue **Virtual Meeting (Microsoft Teams)**

Note: in response to current Government Regulations this meeting is being held as a virtual meeting for councillors and is accessible via Teams. Public speaking and engagement opportunities will be made available.

The meeting will also be webcast live to the internet.

Members: **Councillors:** Yates (Chair), Hugh-Jones (Group Spokesperson), Bagaeen (Group Spokesperson), Hamilton, Heley, Littman, Moonan and Peltzer Dunn

Independent Members Helen Aston and David Bradly

Contact: **John Peel**
Democratic Services Officer
01273 291058
john.peel@brighton-hove.gov.uk

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Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

AGENDA

62 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
 - (a) Disclosable pecuniary interests;
 - (b) Any other interests required to be registered under the local code;
 - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.

63 CHAIR'S COMMUNICATIONS

64 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 22 March 2021;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 22 March 2021.

65 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

66 INDEPENDENT BARRISTER'S REVIEW INTO HOME TO SCHOOL TRANSPORT 7 - 10

Report of the Executive Lead Officer, Strategy, Governance & Law

Contact Officer: Alice Rowland

Ward Affected: All Wards

PART TWO

67 INDEPENDENT BARRISTER'S REVIEW INTO HOME TO SCHOOL TRANSPORT (EXEMPT CATEGORY 5) 11 - 70

Report of the Executive Lead Officer, Strategy, Governance & Law

Contact Officer: Alice Rowland

Ward Affected: All Wards

68 PART TWO PROCEEDINGS

To consider whether the items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

69 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 15 July 2021 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

ACCESS NOTICE

In response to the current situation with Covid-19 and the easing of Regulations, this Committee meeting will be held virtually via Teams and web cast simultaneously.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

For those members of the public wishing to actively take part in the meeting a link will be emailed so that they can join the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by joining the meeting via the link provided you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should ensure they do not use the Teams video facility and provide a static image.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact John Peel, (01273 291058, email john.peel@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Thursday, 18 March 2021

Subject:	Independent Barrister's Review into Home to School Transport		
Date of Meeting:	26 March 2021		
Report of:	Executive Lead Strategy, Governance & Law		
Contact Officer:	Name:	Alice Rowland	Tel: 01273 291503
	Email:	alice.rowland@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 In response to concerns raised by members, the Chief Executive commissioned an independent barrister to carry out an investigation into the procurements associated with the Home to School Transport service change which was implemented in September 2019.
- 1.2 The independent barrister has now concluded his advice which is attached to the Part 2 report. This report makes recommendations about how the Council should deliver change programmes.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Home to School Transport Members Policy Panel has reviewed the management of the Home to School Transport service and associated problems that caused significant difficulties for children, young people and families in September 2019. As part of the investigation, the matter was referred to a group of experts from the LGA (the Local Government Association) who undertook a thorough review and consequently made important recommendations.
- 3.2 The HtST Members Policy Panel has seen substantial improvements in the service since September 2019. It has now concluded that the service review side of the work has come to an end and submitted a report to the Children, Young People and Skills Committee on 9th November 2020. That report contained recommendations to that Committee to ensure a high quality and appropriate service in the future.

- 3.3 On 27 October 2020, Audit & Standards Committee established a member panel to consider the first draft of Counsel's advice and oversee the process by which comments are sought from those mentioned in the advice (the Maxwellisation process). The panel is cross party with one member from each political group and is chaired by the Council's independent person, David Bradly. The panel asked Counsel to (virtually) attend their second meeting and have therefore had the opportunity to question him about his advice.
- 3.4 The panel met prior to the commencement of the Maxwellisation process and then following its conclusion, once Counsel had finalised his advice. The recommendations of the panel are set out below.

The LGA Review and the Corporate Modernisation Delivery Board

- 3.5 The LGA Review recommended (as one of a number of recommendations), that the Council:

Review governance arrangements for projects and programmes so that all significant change projects go to the Modernisation Board. The review should include simplifying governance arrangements, ensuring clear lines of accountability and decision making, with a clear audit trail.

- 3.6 Arrangements to govern Modernisation programmes and projects are already in place. The most significant corporate programmes and projects are overseen by the Corporate Modernisation Delivery Board (CMDB), and other significant programmes and projects are overseen by the relevant Directorate Modernisation Board. An Advisory & Support Group (ASG), comprising representatives from all support services (including Finance, Legal, Procurement and Audit) is in place to scrutinise all significant change proposals at corporate and directorate level. A report will be taken to a future meeting of the CMDB to re-emphasise and strengthen these arrangements. It recommends the robust approach to governing corporate Modernisation by the CMDB be mirrored at directorate level, with Directorate Modernisation Boards reiterating the importance of robust business case development and scrutiny by the ASG, and the need to bring any significant change proposal to the CMDB for peer review at key stages.

The Panels' Recommendations

- 3.7 The Panel notes that steps have already been taken to ensure that urgency decisions are only taken in appropriate circumstances where it is not possible to convene a sub-committee or special committee.
- 3.8 The Panel recommends that any project involving major changes to services which may impact on residents should be identified as a project and the following steps should be put in place:
- A Project Board should be established.

- Modernisation governance arrangements, processes and guidance should be followed.
- Terms of reference should be agreed by the Board. They should cover the following:

Attendance: the Board should be attended by the core team of officers directly involved in the project. Legal and Finance should be invited but may not need to attend every meeting. Consideration should be given to inviting IT, H&S, Procurement, Equalities and HR as appropriate.

Roles: A Senior Responsible Owner (SRO) and Project Manager should be identified. For projects on the Corporate Modernisation List, a Sponsor (who is usually a member of the Executive Leadership Team) should also be identified.

Reporting and decision-making arrangements: Including regularity and content of reports.

Scope: The Corporate Modernisation Delivery Board should act as a peer review group to the core team of a project on a directorate Modernisation list. Any concerns about the project should be raised directly with the SRO.

- 3.9 Where Service Provision Changes are considered, regard should be had to whether a pilot could be run, or the service changes could be introduced incrementally.
- 3.10 Officers should timetable meaningful gateway decisions about whether to proceed and be willing to stop if there are concerns.
- 3.11 The Executive Leadership Team should embed the following cultural changes in the organisation:
 - Service changes should not be rushed – even to meet challenging savings targets. The priority must always be good governance.
 - Internal support services should be encouraged to escalate concerns about projects; challenges should be welcomed as essential to ensure successful change.
 - They should foster a culture in which officers are willing to recommend that projects are not proceeded with at gateways.
 - Equalities implications should be central to consideration of service changes.
- 3.12 The Chief Executive should take steps to ensure that all officers are aware of, and comply with, their obligations under the Council's Contract Standing Orders.

4. CONCLUSION

- 4.1 The Panel has made various recommendations in response to the independent barrister's advice.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the recommendation of this report. Any costs associated with setting up the panel will be met from existing resources. The cost of commissioning an independent barrister is reflected in the Targeted Budget Management (TBM) financial position for the service which is reported throughout the year to Policy and Resources Committee.

Finance Officer Consulted: James Hengeveld

Date: 17/3/21

Legal Implications:

- 5.2 The legal implications are set out in the Part 2 report.

Lawyer Consulted: Alice Rowland

Date: 18/1/21

Equalities Implications:

- 5.3 The HTST transport service caters for some of the most vulnerable children and young people in the city. Any recommendations resulting from the independent barrister's review should consider how equalities implications are given priority when services are procured.

Any Other Significant Implications:

None

SUPPORTING INFORMATION

Appendices

None

Background Documents

None

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

