

Agenda Item 6(c)i

Geoff Raw – Chief Executive
Brighton & Hove City Council

2nd July 2019

Dear Geoff

We are submitting this letter under Council Procedure Rule 23.3 to be included on the agenda for the Audit and Standards Committee meeting of 23rd July 2019.

We respectfully request that Audit and Standards Committee commission an Audit report for consideration by the Audit and Standards Committee or such other relevant Committee regarding matters relating to the proposed transport contract for children with special educational needs and disabilities and vulnerable adults.

Our primary reasons for this request include, but are not limited to, the following: -

1. Policy, Resources and Growth Committee (PR&G) authorised the procurement of a transport framework on 11 October 2018 that despite the Procurement Advisory Board (PAB) expressing a desire for a Dynamic Purchasing System (DPS), the report recommended against a DPS. A DPS is now been adopted.
2. The adoption of a DPS, including the appointment and retention of external consultants to deliver a DPS are contrary to the decision of PR&G but were progressed utilising Urgency powers following agreement of the Leader of the Council and the Chair of Children, Young People and Skills Committee (CYP&S). No attempt was made to convene a Special PR&G Committee or an Urgency Sub-Committee.
3. Despite several requests for the financial details supporting a Business Case that presumably exists to justify a DPS, little has been provided and despite requests for details on the procurement process and contract award of the external consultants, none has been provided.
4. In several email exchanges between the Undersigned and Officers, rather than concerns being allayed, more questions, discrepancies and issues have arisen or remain outstanding. All emails would obviously be made available to Audit officers.

From recent emails we remain concerned of several matters. Firstly, there appears to have been no attempt to follow the proper procedure to obtain Member approval of a proposal that otherwise should have gone to Committee for consideration. Consequently, there are concerns, issues and matters for public record that are not contained on any public record save for emails that might otherwise be subject to Freedom of Information requests.

Secondly, there appears to be discrepancies in advice being offered such as compliance with standards and an apparent lack of dialogue with other departments in the formation of standards and contract conditions.

Thirdly, there has been no business case put forward justifying the adoption of a DPS or any financial, procurement or contract detail, despite requests for it, relating to the appointment of external consultants to deliver a DPS contrary to the recommendations of PR&G. Whereas delegated authority was given to officers by PR&G to procure a contract, that was in respect to a framework contract and not a DPS; pursuing a DPS and the appointment of consultants to deliver it, appears ultra vires.

Fourthly, from comments made at various Committees such as Licensing, it appears that consideration is being given to bringing transport services in-house. It appears that by adopting a DPS such fundamental change to the way the service could be delivered may be possible. A change to bring such services in-house should be subject to proper Committee reports and debate and not an extension of utilising Urgency powers.

Fifth, by committing to change from the agreed transport framework to a DPS it appears there are now previously avoidable risks to the proper delivery of the service that will negatively impact children with special educational needs and disabilities and vulnerable adults.

As the Committee charged with overseeing compliance with the code of Corporate Governance, a key aspect of which includes appropriate adherence to the constitutional decision-making processes, we would urge the Committee to commission this report so that it can either satisfy itself that everything is being done properly or that any shortcomings are addressed.

Yours sincerely

Cllrs. Lee Wares and Mary Mears