

Cabinet

25 June 2020

Is the final decision on the recommendations in this report to be made at this meeting?

No

Enhancing Scrutiny for Recovery

Final Decision-Maker	Cabinet
Portfolio Holder(s)	Councillor Tom Dawlings – Portfolio Holder for Finance and Governance
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Jane Clarke – Head of Policy and Governance
Lead Officer/Author	Mathew Jefferys – Democratic and Electoral Services Manager
Classification	Public (Non-exempt)
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That a Covid-19 Panel be established as a working group of the Cabinet;
2. That the Terms of Reference as set out at Appendix A to the report be agreed;
3. That members be appointed to the Covid-19 Panel as set out at Appendix B to the report; and
4. That the revised arrangement regarding the programme of committee meetings for the Overview and Scrutiny Committee be noted.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

This report touches all areas of the Corporate Priorities

Timetable

Meeting	Date
Leadership Board (Agreement in principal)	7 May
Group Leaders (Agreement in principal)	11 May
Overview and Scrutiny Committee (Consultation)	8 June
Cabinet (Decision)	25 June

Enhancing Scrutiny for Recovery

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The report sets out proposals for widening involvement in, and oversight of, the recovery in the wake of the coronavirus pandemic.
 - 1.2 The Council is operating in new and restrictive circumstances so new arrangements are needed.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The past two months have seen the Council, the country and the world facing unprecedented challenges. Governments the world over have responded with restrictions on individual freedoms and significant packages of support. Whilst some of these policy interventions are now being lifted, it is important to recognise that parts of the country may experience a tightening of restrictions if a local outbreak occurs in the future. Should a second wave pandemic occur, the national 'lockdown' measures may need to be re-introduced.
- 2.2 The Council has responded to the crisis in line with its Emergency Plan and Business Continuity Plan and has had to respond to challenges and direction from Government with very little notice, guidance or funding and to adapt as advice and requirements have changed. In line with our plans, the Council has been operating in 'command and control' mode with senior officers meeting on a daily or twice-daily basis to understand, assess and respond to key events and challenges and to determine how to respond to them.
- 2.3 The Council has endeavoured to involve councillors in this process in the following ways:
 - Regular meetings with Group Leaders – daily briefings with the Chief Executive for the first four weeks, three briefings a week thereafter, and now two a week.
 - The regular weekly Members' bulletin has been supplemented by regular updates from the Chief Executive and daily updates from the Local Government Association.
 - Weekly members' briefings have been set up dealing with key issues and responding to questions and concerns from councillors.
 - Meetings between the Chief Executive and political groups have continued to take place.
 - Officers have sought to respond promptly to emails and concerns from councillors.
 - Weekly meetings of the Council's Leadership Board (Cabinet and senior officers) have been set up.

- 2.4 In addition, the Council has held two 'Ask Me Anything' sessions on Facebook, three business briefings for local businesses, regular meetings with the Town Forum Management Committee and weekly meetings with Town and Parish Council Chairmen. The Council has also communicated proactively through social media, networking events, the contact centre and with a letter drop to every household in the Borough.
- 2.5 In terms of formal decision-making, proposals for amending the cycle of meetings was prepared and agreed by Group Leaders on 27 March, to deal with the initial impact of the lockdown. This essentially cancelled all non-essential meetings for the rest of March and all of April. Only Planning Committee and Cabinet met, with a reduced membership and by exception, to ensure essential business could continue to be conducted.
- 2.6 Subsequently, a further report with proposals for the May, June, July period was agreed by group Leaders on 27 April. These proposals continue to limit the number of meetings to be held, with only key meetings (predominantly Cabinet and Planning) taking place virtually, and all non-essential meetings such as Advisory Boards and working groups continuing to be suspended.
- 2.7 The proposals also move all virtual meetings to a start time of 10.30am. This, and the limit on the number of meetings held, is important to mitigate the impact on the Council's staff resources during this time, in particular for senior officers who usually attend these committees, but who are also essential to the Covid-19 response and the additional workload this has created. Alongside this, staff who support the meetings and/or senior officer attendance at the meetings, have been redeployed to other areas of the Council to support front-line services.
- 2.8 Whilst this has been and whilst there are a range of mechanisms in place to keep members informed, it is important that Councillors can have the opportunity to understand, inform, and challenge key decisions that are being taken. To meet this aspiration whilst balancing the impact on the organisation, new arrangements are proposed in section 3.
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3. AVAILABLE OPTIONS

a) Covid-19 Panel

- 3.1 It is proposed to establish a cross-party working group of Cabinet, with co-opted community/business Members, to oversee preparations for the removal of any restrictions, or support mechanisms introduced, in response to Covid-19, and to prepare for and oversee the recovery process.
- 3.2 The Covid-19 Panel membership will consist of:
- Members of the Cabinet
 - The Chairman of Overview and Scrutiny Committee
 - Representatives of each minority political party
 - Back bench Conservative member
 - Kent County Council

- Royal Tunbridge Wells Town Forum
 - Tunbridge Wells committee of the Kent Association of Local Councils
 - Royal Tunbridge Wells Together (BID)
 - Federation of Small Businesses
 - Tunbridge Wells and District Citizens' Advice
- 3.3 The Panel will meet bi-weekly initially, receiving an update from the Chief Executive at each meeting. The agenda will then be developed based on the initial priorities and workloads within the recovery plan. The meetings will be held entirely in private session to facilitate frank and candid discussions, but a public summary will be made available after each meeting highlighting the key items discussed and any actions to be reviewed by Cabinet and/or recommendations made to Cabinet.
- 3.4 It is important to note that this is not a decision-making meeting and has no budgetary powers. Any recommendations for decisions, or budgetary spending will need to be referred to Cabinet as part of an officer report that addresses cross-cutting issues, including finance and resources, in the normal way.
- 3.4 The panel has been set up and currently exists as an informal body pending ratification by Cabinet. Draft Terms of Reference is attached at Appendix A and the provisional membership is attached at Appendix B.
- 3.5 To enable public involvement and representation in the work of the Panel, it is recommended that the Chairman of Overview and Scrutiny be made a member of the Panel. Alongside this, the O&S Chairman is asked to facilitate a public update on the work of the Panel (avoiding any sensitive or confidential discussions) at each meeting of the O&S Committee, to enable members of the public and other Members to ask questions at a public meeting. The Chief Executive will attend the O&S Committee at the start of the meeting to assist with question responses.

Resumption of the Overview and Scrutiny Committee

- 3.6 The Overview and Scrutiny Committee will resume scrutiny work, with a focus on enabling public engagement in the work of the Council and its response to Covid-19, providing oversight of Council business, and receiving performance updates.
- 3.7 It is proposed that a regular update on the work of the Covid-19 Panel is provided to OSC by the Chairman and Chief Executive, to ensure all Members and members of the public are informed of the work of the Panel, and have an opportunity to publicly ask questions.
- 3.8 The work of both the Panel and the O&S Committee will be predominantly supported by the Chief Executive, the Head of Policy and Governance, and the Scrutiny and Engagement Officer. Other officers may be called upon from time to time to provide additional support/information, but it will be important to recognise that officer time is being prioritised for responding to the emergency

and/or recovery plans, and that actual time spent in committee meetings may be reduced because of this.

- 3.9 Alongside this, the working from home requirements (for staff not required to attend an office place) are expected to be in place for many months following guidance from the Government, and therefore the restrictions on their ability to use shared family space for attendance at evenings meetings continues to be an issue. It is therefore recommended that the Covid-19 meeting is held during the day wherever possible.

b) Do nothing

- 3.10 Work on the recovery plan is being coordinated by officers and is well in hand. The purpose of the Covid-19 Panel is to keep members informed and to provide opportunity for members to oversee the work being undertaken. Without the Covid-19 Panel work would continue but the oversight would be provided by Cabinet which would limit the participation to a smaller group of members and exclude some of the community stakeholders.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 a) Creation of a Covid-19 Panel –

This will be a working group of the Cabinet. It will consider Covid-19 related issues for the recovery plan period. Whilst the Panel is not politically balanced, it is recommended that this is a cross-party working group to ensure a wide range of internal and external stakeholders are involved.

The creation of the Panel is recommended to ensure there is appropriate oversight of the Council's plans, and to provide a confidential forum in which issues can be discussed with a range of stakeholders and interested parties.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The prospective members of the Covid-19 Panel met (virtually) on 26 May 2020. The purpose of the panel was discussed and agreed. The draft Terms of Reference were supported.
- 5.2 The Overview and Scrutiny Committee will be consulted on this decision (in lieu of the relevant Cabinet Advisory Board) on 8 June 2020. Should any comments be made on the terms of reference or formation of the Panel, these will be reported to Cabinet.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The decision will be published on the Council's website.
- 6.2 Members of the Covid-19 Panel will be confirmed.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	<p>The establishment of the Covid-19 Panel as a working group of Cabinet falls with Cabinet's remit since it is an executive function under the Local Government Act 2000 and related regulations. The arrangement accords with Part 3 of the Constitution which outlines the responsibility for Cabinet and wider Council functions.</p> <p>The Covid-19 Panel is a non-decision making cross-party working group of members and stakeholders where identified actions can be referred to Cabinet for issues to be considered and decisions made.</p> <p>Cabinet decisions relating to the work of the Panel and the recovery plan can be scrutinised under the Overview and Scrutiny arrangements.</p>	Patricia Narebor Head of Mid Kent Legal Partnership
Finance and other resources	These proposals can be achieved within existing budgets and establishment.	Mathew Jefferys Democratic and Electoral Services Manager
Staffing establishment	Virtual meetings require different resources to manage, savings from no longer hosting physical meetings (reception, marshalling, hospitality, etc) are balanced by additional technical requirements (telephony, web casting, etc). Public meetings typically require 3 officers to clerk in addition to the presenting officers.	
Risk Management	Meetings of the Covid-19 Panel and Overview and Scrutiny Committee are held during the day as members and officers are limited in their ability to use shared family space for attendance at meetings in the evenings.	
Data Protection		
Environment and Sustainability		
Community Safety		
Health and Safety		
Health and Wellbeing		
Equalities	<p>The Covid-19 Panel is a consultative body with no decision-making powers. Any ideas or recommendations from the Panel will be made to the Cabinet which will be subject to the normal decision-making processes of the council, including separate reports where the relevant cross-cutting issues can be assessed.</p> <p>Therefore, there are no additional cross-cutting implications as a result of these proposals.</p>	

8. REPORT APPENDICES

The following documents are to be published with, and form part of, the report:

- Appendix A: Draft Terms of Reference of the Covid-19 Panel
 - Appendix B: Proposed membership of the Covid-19 Panel
 - Appendix C: Draft Schedule of meetings
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9. BACKGROUND PAPERS

- Centre for Public Scrutiny Covid-19 Guide2: Scrutiny
<https://www.cfps.org.uk/?publication=covid-19-guide-2-scrutiny>