

Overview and Scrutiny Management Committee

MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 3 JUNE 2020 AT ONLINE MEETING.

Present:

Cllr Chuck Berry, Cllr Christine Crisp, Cllr Stewart Dobson, Cllr Mary Douglas, Cllr Howard Greenman, Cllr Alan Hill (Vice-Chairman), Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Gordon King, Cllr Pip Ridout, Cllr John Smale, Cllr Jo Trigg, Cllr Tony Trotman, Cllr John Walsh and Cllr Graham Wright (Chairman)

Also Present:

Cllr Suzanne Wickham, Cllr Ian Blair-Pilling, Cllr Allison Bucknell, Cllr Richard Clewer and Cllr Philip Whitehead

24 **Apologies**

There were no apologies for the meeting.

25 **Minutes of the Previous Meeting**

The minutes of the meeting held on 17 March 2020 were presented for consideration, and it was,

Resolved:

To approve and sign as a correct record the minutes of the meeting held on 17 March 2020.

26 **Declarations of Interest**

There were no declarations.

27 **Chairman's Announcements**

Through the Chair it was announced the Paul Kelly, Head of Democracy, would be leaving the Council at the end of July 2020. Mr Kelly had originally joined Wiltshire County Council in the early 1980s and had worked with council decision making there and in several London Borough Councils. Mr Kelly had been instrumental in the creation of an Overview and Scrutiny Service for the County Council in 2000, and for the establishment of the Unitary Council in 2009 and headed the team for many years along with other areas.

Several committee members joined the Chairman in paying tribute to the enormous contribution of Mr Kelly in developing an Overview and Scrutiny Service which was both effective and widely respected among local authorities, along with his leadership and support.

28 **Public Participation**

There were no questions or statements submitted.

29 **Overview and Scrutiny during Covid-19**

A report was presented by the Chairman on the operation of Overview and Scrutiny during the ongoing Covid-19 pandemic, which had and was continuing to have a significant effect on council operations including democratic decision-making and scrutiny.

It was explained that officers had been working at pace to maintain delivery of critical services and protect residents. In this context, normal democratic engagement on decisions had not always been feasible or in the best interests of Wiltshire residents. Visibility on the Covid-19 situation and response had however been maintained for non-executive councillors through a dedicated council Covid-19 webpage, briefing notes on the council's decision-making arrangements, regular email updates to all councillors, and briefings from senior officers, including opportunities for questions and answers.

In May 2020 relevant lead councillors and senior officers determined Overview and Scrutiny was now appropriate to recommence activity in light of the seriousness of the situation and decisions being taken, the changes to the council's operational context and immediate priorities, guidance from the Centre for Public Scrutiny, and the council's commitment to open, transparent and inclusive decision-making and more. However, with the emergency situation being ongoing, it was agreed the form Overview and Scrutiny could appropriately take would be different than business as usual.

It had been agreed that a dedicated Covid-19 Response Task Group be formed, comprising the Chairman and Vice-Chairman of Overview and Scrutiny Management Committee, the Chairman or Vice-Chairman of the other three Select Committees, the Chairman of the Audit Committee, and Chairman of the Financial Planning Task Group. The remit of the Task Group would allow consideration of any matter, providing flexibility to review upcoming Cabinet items as well as specifically elements of the response to Covid-19. The meetings of the Select Committees would, as a result, be cancelled through to July 2020 2020.

The Committee was asked to endorse the streamlined approach to delivery of the Overview and Scrutiny function as set out in the report, and retroactively endorse the terms of reference and membership of the Covid-19 Response Task Group.

The Committee then received an update from the Leader of the Council, Councillor Philip Whitehead, who noted the large number of significant decisions which ordinarily would have been considered by Cabinet and Overview and Scrutiny, but owing to the urgency of those decisions this had not been viable. He emphasised that elected members through the Cabinet had remained directing the council's response, and the Executive had met with the

Chairman to discuss resuming Overview and Scrutiny functions as soon as was practical.

The Committee discussed the report and update, noting the efforts to ensure accountability even as urgent decisions needed to be taken, and recognising that at the present time full operation was not practical. In particular the regular briefings with elected members was noted. The importance of resuming Overview and Scrutiny functions for monitoring important day to day activities was raised, and requests that briefings for select committee chairs and vice-chairs be progressed as soon as suitable. The membership of the Covid-19 Response Task Group was discussed, along with the importance of the council's financial position and financial response to Covid-19 would be, and whether the Financial Planning Task Group might need to resume operations for looking at that specific issue at some point.

At the conclusion of discussion, it was,

Resolved:

- 1) To endorse the streamlined approach to delivering the council's Overview and Scrutiny function during the Covid-19 pandemic set out in this report.**
- 2) To endorse the establishment of the Wiltshire Covid-19 Response Task Group, its membership and terms of reference as set out in paragraphs 10 and 11 of the report.**
- 3) To note that the Wiltshire Covid-19 Response Task Group will focus on scrutiny of the COVID-19 response but can also consider other significant matters prior to Cabinet decision where appropriate.**
- 4) To note the cancellation of meetings of the Children's, Environment and Health Select Committees from May to July 2020.**
- 5) To note that these temporary arrangements for delivering the council's Overview and Scrutiny function will be reviewed after July 2020 with further proposals brought back to this Committee in September 2020 as required, with the position regarding the Financial Planning Task Group to be reviewed before July 2020.**

30 **Wiltshire Covid-19 Response Task Group Update**

As noted and retroactively approved under Minute 29 a Wiltshire Covid-19 Response Task Group had been established to undertake scrutiny of council operations and other executive matters as part of streamlined overview and scrutiny arrangements during the ongoing Covid-19 pandemic. The Task Group met on 2 June 2020 to consider matters including a report to Cabinet on the Covid-19 situation and response, and their report was included in the Agenda Supplement for the meeting. The Task Group meeting had included discussion with the Leader and Deputy Leader of the Council, Chief Executive Officers and other Directors.

The Task Group discussed and sought details on matters including support for care homes, vulnerable residents and children, the council's financial situation, council governance arrangements, and moving from incident response to recovery.

The Leader of the Council, Councillor Philip Whitehead, supported by the Deputy Leader of the Council, Councillor Richard Clewer, then provided an update to the Committee on the response to Covid-19. He noted that even compared to other bodies local authorities had seen a significant increase in their level of operations as a result of being central to local community efforts, and wherever possible continuing day to day operations. He paid tribute to council officers for their efforts, and noted the oversight of the Executive on emergency decisions.

He emphasised the high number of urgent decisions which had needed to be taken which necessitated emergency procedures to be enacted. He detailed the operation of the Local Resilience Forum to coordinate local response to emergency situations, and how Covid-19 was very different to a usual emergency because of the continuing impacts even as recovery was also prepared for.

The Committee discussed the update from the Task Group and the Leader of the Council.

It was raised that the response to the ongoing situation had led to many procedural or technical changes, and discussed where possible and legal these might be continued once the current situation had concluded. The importance of continued cooperation to and support of voluntary groups was raised as a discussion of existing standing constitutional emergency powers, but that notwithstanding this the Cabinet had determined how the council's decision-making arrangements would proceed.

Other issues discussed included arrangements for the resumption of schooling and resources that the council was contributing. In particular the number of vulnerable children attending school presently was raised. Details were provided on contact with vulnerable children that had continued to be undertaken and risk assessments made.

The financial position of the council was discussed at length. Although central government had provided some additional funding some estimates suggested there could be a £50m shortfall taking into account loss of income. Reserves were to be utilised but would not be sufficient to balance the budget, and further funding was being sought from central government. There was discussion of the possibilities of a Section 114 notice, a legal process where a Council's Section 151 Officer responsible for Finance stated it did not appear a council could balance its budget. That process would then restrict councils spending other than statutory spending, without approval until the position was resolved. The Leader provided details of the close working relationship between the Executive and council officers including the S151 Officer, and noted that the existing

uncertainty about future income, especially from central government, even though projected costs were more clearly established, which might prevent the need for any such notice. If a notice were issued a report would be taken to Council on actions required to bring the budget back within balance. The role of the council's external and internal auditors was discussed.

At the conclusion of discussion, it was,

Resolved:

- 1) **To note the update on the activities of the Wiltshire Covid-19 Response Task Group.**
- 2) **To note that the task group will meet again on 7 July 2020 to discuss the latest report to Cabinet on the Covid-19 situation and response, with a report being brought to Overview and Scrutiny Management Committee on 8 July 2020.**

31 **Adoptions West Joint Scrutiny Panel**

Adoptions West is a regional adoption agency that Wiltshire Council was required by legislation to participate in. In December 2019 it approached its six member authorities to enquire about approaches to scrutiny of its arrangements. Although such scrutiny would not fall within the role as defined by the Local Government Act 2000, it would provide a function led predominantly by democratically elected non-executive members.

A report was received on terms of reference for a Joint Scrutiny Panel, including membership.

Councillor Jon Hubbard, Chairman of Children's Select Committee, provided additional detail to the report. Councillor Hubbard had been elected as Chairman of the Joint Scrutiny Panel, and therefore Wiltshire Council was invited to appoint a further non-executive member to the Panel, to enable the Chairman to act in the interest of the whole region covered by Adoptions West.

The Committee welcomed the report and Councillor Hubbard's appointment as Chairman of the Joint Scrutiny Panel.

Resolved:

- 1) **To endorse the Terms of Reference for the Adoption West Joint Scrutiny Panel.**
- 2) **To endorse the membership of the Adoption West Joint Scrutiny Panel for Wiltshire Council, including the appointment of an additional Wiltshire Councillor.**

32 **Overview and Scrutiny Annual Report 2019-20**

The Chairman presented the Annual Report of Overview and Scrutiny for 2018/2019, which would be presented to Full Council.

The Committee thanked all those who had participated in scrutiny activities in the past year.

Resolved:

To note the Annual Report of Overview and Scrutiny.

33 **Overview and Scrutiny Member Remuneration 2019/2020**

A report was received in accordance with Part 13 of the Constitution, Members' Allowances, on allocation of the Overview and Scrutiny Fund.

This was a £15,000 fund '*to remunerate councillors to recognise significant additional responsibilities undertaken as part of overview and scrutiny activities*', which was required to be allocated through scheme considered annually by the Committee.

The Committee had approved a revised methodology on 18 September 2018 for allocation of the Fund, focusing on remunerating leader Overview and Scrutiny positions such as committee vice-chairman, task group chairs and others. Full details were provided in the report.

The Committee received the annual report and after discussion,

Resolved:

To note the allocation of the Overview and Scrutiny Remuneration Fund for 2019-20 as detailed in Appendix 1 of the report.

34 **Forward Work Programme**

In accordance with the decision under Minute 29 to streamline Overview and Scrutiny activity during the Covid-19 situation, and for ongoing work by the Covid-19 Response Task Group to undertake necessary and appropriate scrutiny, it was:

Resolved:

To approve the revised Forward Work Programmes.

35 **Date of Next Meeting**

The date of the next meeting was confirmed as 8 July 2020.

36 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.00 - 11.55 am)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,
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