

Wiltshire Council

Overview and Scrutiny Management Committee

3 June 2020

Overview and Scrutiny (OS) during the COVID-19 pandemic

Purpose

1. To propose an effective and proportionate approach to delivering the council's statutory OS function and adding value to its decision making during the COVID-19 pandemic.
2. To propose for retrospective endorsement the formation of the Wiltshire COVID-19 Response Task Group, its membership and terms of reference.

Background

3. The statutory role of OS is set out in the Local Government Act 2000. Under the council's constitution, the role of OS is to,
 - Review and/or scrutinise decisions or actions taken in connection with any of the council's functions
 - Make reports and recommendations to Full Council, Cabinet and any relevant partner in connection with their functions
 - Foster and encourage an inclusive, structured, non-partisan and non-adversarial approach that is reliant on evidence rather than anecdote.
4. In normal circumstances, OS is integral to the good governance of the council with its four select committees and other activities reviewing all the organisation's key corporate priorities. Around 65% of matters determined by Cabinet are normally subject to some form of prior OS input.
5. Since the COVID-19 pandemic was declared a major incident in Wiltshire¹, officers have been working at pace to maintain delivery of critical services and protect residents. In this context, normal democratic engagement on decisions has not always been feasible or in the best interests of Wiltshire residents. Visibility on the COVID-19 situation and response was maintained for non-executive councillors through:
 - The dedicated council COVID-19 [webpage](#)
 - Councillor briefing notes on the council's decision making arrangements
 - Regular email updates to all councillors
 - Councillor Skype briefings from senior officers, including opportunities for Q&A.

¹ As declared by the Local Resilience Forum (LRF) on 19 March 2020

6. In early May 2020, the relevant lead councillors and senior officers agreed that it was appropriate for OS to recommence activity in some form. This was supported by:
 - The gravity of the incident and the decisions being taken
 - Changes to the council's operational context and immediate priorities
 - The council's commitment to open, transparent and inclusive decision making
 - [Guidance](#) from the Centre for Public Scrutiny (CfPS) that non-executive scrutiny should be maintained
 - Other councils also implementing OS engagement on their local response
 - The OS roles of 'acting as a voice for the public' and 'providing a "critical friend" challenge to the executive'
 - The COVID-19 response benefitting from the wider, evidence-based input derived from OS.
7. The emergency is still in progress and the council's incident response remains the priority. It is not proposed that OS returns to a business-as-usual structure at this time and its engagement on the COVID-19 response should aim to be effective but efficient in terms of witness participation and the sourcing of information.

Main considerations

8. OS Management Committee leads the OS function and manages its work programme. It is therefore well placed to lead any **public** scrutiny engagement on the council's response to covid-19.
9. To support OS Management Committee, a dedicated Wiltshire COVID-19 Response Task Group has been established (pending Committee endorsement) to provide more in-depth scrutiny, without the limitations and resource requirements of a formal committee. This now requires retrospective endorsement from OS Management Committee.
10. The proposed membership of the task group comprises:
 - Cllr Graham Wright, Chairman of OS Management Committee (Task Group Chairman)
 - Cllr Alan Hill, Vice-chairman of OS Management Committee
 - Cllr Chuck Berry, Chairman of Health Select Committee
 - Cllr Jon Hubbard, Chairman of Children's Select Committee
 - Cllr Bob Jones OBE, Vice-chairman of Environment Select Committee
 - Cllr Ian Thorn, Chairman of Financial Planning Task Group.
 - Cllr Richard Britton, Chairman of Audit Committee.
11. The proposed terms of reference of the task group are:
 - a) To support the response to, recovery from, and legacy of, COVID-19 by providing constructive scrutiny, commentary and recommendations.

- b) To consider covid-19's impact on issues and services that would normally fall under Wiltshire's four select committees and the Financial Planning Task Group.
 - c) To be efficient and proportionate in its approach to support the ongoing focus on the operational response to covid-19.
 - d) Where appropriate, to provide pre-decision OS engagement on other matters to be determined by Cabinet.
 - e) By monitoring the COVID-19 situation and response, to consider when a transition to business-as-usual or alternative OS arrangements is appropriate.
12. The task group intends to meet prior to Cabinet meetings to review items that fall under its terms of reference. Although its intention is to focus on covid-19, its terms of reference do allow it to consider any other matters coming to Cabinet. This will be more likely when a non-COVID-19 matter to Cabinet is of particular significance. In other cases, the task group may request a pre-Cabinet briefing for the chairman of the relevant select committee.
13. The task group meets virtually and in closed session (as is usual practice for OS task groups). At the time of publication, the task group has met on two occasions, with a third meeting scheduled for 2 June 2020 to consider the latest COVID-19 update report to [Cabinet](#). A full update on the task group's work is provided separately on this agenda in the Wiltshire COVID-19 Response Task Group update report.
14. With OS Management Committee and the Task Group forming a temporary, streamlined OS structure, the May-July meetings of the Children's Environment and Health Select Committees have been cancelled, following consultation with the chairmen (with the following round of meetings scheduled for September). Similarly, most task group and rapid scrutiny activity has been suspended. Priority OS task group meetings are proceeding in some cases where capacity allows.

Proposal

15. To endorse the streamlined approach to delivering the council's Overview and Scrutiny function during the COVID-19 pandemic set out in this report.
16. 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.
17. 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.
18. To note the cancellation of meetings of the Children's, Environment and Health Select Committees from May to July 2020.

19. To note that these temporary arrangements for delivering the council's OS function will be reviewed after July 2020 with further proposals brought back to this Committee in September 2020 as required.

Cllr Graham Wright, Chairman of OS Management Committee

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Appendices

None