

Committee: Overview and Scrutiny Commission

Date: 20 May 2020

Wards: All

Subject: Scrutiny work programme during the Covid 19 pandemic

Lead officer: Julia Regan, Head of Democracy Services

Lead member: Councillor Peter Southgate, Chair, Overview and Scrutiny Commission

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Recommendation:

To discuss the proposed approach to scrutiny and agree a work programme for meetings of the Commission in June and July 2020

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report sets out proposals for the Overview and Scrutiny Commission to consider when determining its programme of work during the Covid 19 pandemic. The report proposes a continuance of robust member-led scrutiny, to be provided in a way that is proportionate and fits within the constrained resources that are available whilst the main focus is on the emergency response to Covid 19.

2 DETAILS

2.1. Background

- 2.2. There are vast uncertainties at present on how long the current Covid 19 lockdown will last, how we will start to move out of it and what will happen next. Through all three stages the Commission will wish to ensure that there is an active and effective scrutiny function. The primary aims of scrutiny at this time should be to hold the executive to account on Cabinet and delegated decision making and to add value to the activities of the council and its partners.

- 2.3. In considering the appropriate level of scrutiny activity during the lockdown period, the Commission is asked to be mindful of:

- the reduced capacity of Cabinet Members and senior managers to support and report to scrutiny while responding to Covid 19 (note this reduced capacity also applies to the NHS and other partners)
- the potential for an increased number of decisions being taken by directors under emergency powers/delegated decision making
- the need for appropriate visibility on executive decisions for non-executive councillors

- changes and challenges to the council's financial context and operational priorities
 - the potential role of scrutiny in providing a conduit for views and experience of our residents, including the most vulnerable, as well as the impact on businesses
- 2.4. The Commission is asked to note that virtual meetings may operate in a very different way to those where everyone is sat round the table. They will of necessity be more planned, rather in the way that the Commission approaches lines of questioning for the Police BCU Commander at present. The council is currently at early stages in its use of Zoom professional software for committee meetings - Cabinet (27 April), Licensing sub (6 May) and Planning Committee (14 May) – and lessons will be shared as these proceed so that the council can adapt and adjust its approach to these meetings as appropriate.
- 2.5. Proposed interim model for scrutiny
- 2.6. This report proposes that the Overview and Scrutiny Commission would be the sole scrutiny body operating until the council begins to return to business as usual.
- 2.7. This model is in line with one proposed by the Centre for Public Scrutiny in its publication “ Covid-19 support to councils: Approaches to scrutiny during the crisis”, whereby a single scrutiny committee would meet every 3-4 weeks with one agenda item and an opportunity for public involvement.
- 2.8. The work programme should focus on a small range of critical business issues to provide oversight of the council and its partners' response to Covid 19 and provide an opportunity for local people to get involved. It is anticipated that one meeting would focus on financial issues, another on children and young people, another on older people and so on.
- 2.9. It is anticipated that input from Cabinet members, Directors and other departmental officers will be mainly verbal and that detailed written reports will not be provided so that scarce resources are not diverted from the emergency response.
- 2.10. Work programme
- 2.11. It is proposed that the Commission should have a further additional meeting on 23 June and then meet on the 15 July and 9 September dates that were already included in the corporate calendar.
- 2.12. The Commission will receive a verbal update from the Leader of the Council and the Chief Executive at its meeting on 20 May, setting out the council's emergency planning arrangements and response to Covid 19 and an overview of actions taken to date. This will enable Commission members to ask questions and to identify priority areas for in–depth scrutiny at future meetings.
- 2.13. The Commission is asked to identify a priority order for the themes for each of its meetings, to include the following and other issues that it agrees are of strategic importance at this time:

- 2.14. Finance – cost pressures arising from the emergency response, use of monies received in relation to Covid 19, overall impact on the council's medium term financial strategy
- 2.15. Adult social care and older people – assistance to shielded residents; impact on care homes and other services for vulnerable and older people, impact of hospital pressures on adult social care
- 2.16. Children and young people – impact on vulnerable children and their families (referrals to children's social care and to MASH); impact on Years 11 and 13; arrangements for re-opening schools; impact on looked after children and care leavers
- 2.17. Crime and disorder – impact on domestic violence and other crimes
- 2.18. Council's plan for recovery, that is returning to "business as usual" or a "new normal"
- 2.19. It is proposed that the Commission should review its work programme at each meeting and take a view on whether to continue with this or another interim model or to return to the pre-existing model of scrutiny.
- 2.20. Public involvement
- 2.21. Public involvement is one of the key elements of effective scrutiny. Hearing from a wide range of stakeholders, including local businesses, residents and voluntary organisations, is extremely valuable and brings different perspectives, experiences and solutions to scrutiny.
- 2.22. It is proposed to maintain the same access to scrutiny as previously so that members of the public or organisations anyone can make a request to the chair in advance of the meeting for permission to speak. The presumption is that permission will normally be granted as long as the issue relates to an item on the agenda.
- 2.23. The Commission may choose to invite written and or spoken contributions from organisations that represent groups of people that may have a particular interest in the issue under discussion at one of its meetings. This could include organisations representing businesses, young people, disabled people, people from black and minority ethnic communities and so on.
- 2.24. Statutory health scrutiny
- 2.25. The Improving Healthcare Together Programme is due to reach a final decision "early in the summer". The Commission may be aware that this Programme was established to consider major changes to acute hospital services across South West London. Proposals include consolidating accident and emergency and other services on one site at either Epsom, St Helier or a new hospital. A new acute facility in Belmont Ward in Sutton, has been put forward as a preferred option. While the Healthier Communities and Older People Panel welcome investment into the region, there are grave concerns about losing accident and emergency and other services at St Helier Hospital which serves some of Merton's most deprived residents who already face barriers in accessing health services. Local people are likely to be further disadvantaged by the longer travel times to the new hospital.

- 2.26. Once the final decision has been published, it is important that the Healthier Communities and Older People Overview and Scrutiny Panel convenes to discuss the findings. The Panel will have an important role in accessing the decision in light of the council's position on protecting vulnerable residents. It will also be important to review if the Improving Healthcare Together Programme has taken the views of local residents into consideration. The Commission should also be aware that the Panel was due to meet to discuss this issue on the 25th March but the meeting was cancelled due to the COVID-19 lockdown.
- 2.27. The Panel also will also need to determine what further scrutiny should be conducted in light of the decision taken. The Panel may also wish to make recommendations to Cabinet on how the council should respond to the proposals.

3 ALTERNATIVE OPTIONS

- 3.1. The Commission has responsibility for keeping under review the effectiveness of the overview and scrutiny function and to recommend, where appropriate, changes in structure, processes or ways of working.
- 3.2. Alternative options include:
- 3.3. Cessation of scrutiny during the lockdown period – this option is not recommended as it would not enable scrutiny to hold the executive to account or to add value or to involve the public.
- 3.4. Slimmed down business as usual - all scrutiny bodies would continue as usual with a re-focussed, slimmed-down work programme. Work programmes would be agreed via working groups that would comprise a representative from each of the four political groups, including the Chair and Vice Chair. Each formal meeting would have a shorter agenda than usual to allow for in-depth discussion on a few high priority areas. The work programme will be reviewed at each meeting to ensure that it is still appropriate and to allow for flexibility as circumstances change. This option runs the risk of overwhelming the organisation and diverting resources and focus from the response to Covid 19.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purposes of this report.

5 TIMETABLE

- 5.1. The timetable for future meetings is at the discretion of the Commission.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The proposals within this report can be carried out within existing budgets..

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Overview and scrutiny bodies operate within the provisions set out in the Local Government Act 2000, the Health and Social Care Act 2001 and the Local Government and Public Involvement in Health Act 2007.
- 7.2. Scrutiny has had specific powers relating to health services since 2001 and to crime and disorder since 2006.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement. Scrutiny work involves consideration of the human rights, equalities and community cohesion issues relating to the topic being scrutinised.
- 8.2. Scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific human rights, equalities and community cohesion implications.

9 CRIME AND DISORDER IMPLICATIONS

- 10 In line with the requirements of the Crime and Disorder Act 1998 and the Police and Justice Act 2006, all council departments must have regard to the impact of services on crime, including anti-social behaviour and drugs. Scrutiny activity will therefore identify any implications relating to crime and disorder where appropriate..

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 11.1. None for the purposes of this report.

12 APPENDICES – NONE

13 BACKGROUND PAPERS - NONE

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