

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Online on Thursday, 11 March 2021.

PRESENT: Mr A Booth (Chairman), Mr J Wright (Vice-Chairman), Mr P V Barrington-King, Mrs P M Beresford, Mrs R Binks, Mr R H Bird, Mr D L Brazier (Substitute), Mr G Cooke, Mrs T Dean, MBE, Mr R C Love, OBE, Mr A M Ridgers and Dr L Sullivan

ALSO PRESENT: Mr R W Gough (Leader of the Council), Mr P J Oakford (Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services), Mrs C Bell (Cabinet Member for Adult Social Care and Public Health) and Miss D Morton (Deputy Cabinet Member for Adult Social Care and Public Health)

IN ATTENDANCE: Ms Z Cooke (Corporate Director of Finance), Mr B Watts (General Counsel), Mr A Scott-Clark (Director of Public Health), Mr D Shipton (Head of Finance Policy, Planning and Strategy), Mr M Dentten (Democratic Services Officer) and Mrs A Taylor (Scrutiny Research Officer).

UNRESTRICTED ITEMS

32. Minutes of the meeting held on 22 January 2021 *(Item A4)*

RESOLVED that the minutes of the meeting held on 22 January 2021 were a correct record and that they be signed by the Chairman.

33. Covid - 19 Financial Monitoring *(Item C1)*

Mr P Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services; Mrs Z Cooke, Corporate Director of Finance and Mr D Shipton, Head of Finance Policy, Planning and Strategy were in attendance for the item.

1. Mr Oakford introduced the item and provided a verbal summary of the types of Covid-19 support grants received from central government. He noted the diversity of grants received, in terms of both value and spending criteria.
2. Mr Shipton gave a detailed overview of grant spending criteria, reporting and future funding. He confirmed that the Covid-19 Emergency Grant was un-ringfenced, whilst the Adults' Social Care, Public Health, Winter Grant Scheme, Emergency Assistance, Home to School Transport, and Active Travel grants were ringfenced. Members were informed that a further £7.2m had been received from the Ministry of Housing, Communities and Local Government (MHCLG) in February, after the publication of the report. It was verified that Covid-19 grant spending was reported to MHCLG monthly and that the most recent submission was made in January 2021. Areas of increased spending during the pandemic were specified and included: Adults'

and Children's Social Care; Home to School and Public Transport; and Environment. The Committee were notified that the Helping Hands Scheme had been funded through the un-ringfenced Emergency Grant. Future funding was summarised, it was noted that further financial support from the Contain Outbreak Management Fund and Clinically Extremely Vulnerable public health grants were expected in the 2020/21 and 2021/22 financial years.

3. A Member sought reassurance that due diligence had been done when grant funded contracts were awarded and monitored. Mr Oakford confirmed that commissioners within KCC had managed grant funded contracts and that he was satisfied due diligence had been done, given their detailed consideration and recommendations.
4. Mr Oakford was asked whether the solvency of home to school transport providers had been analysed during the pandemic and what steps had been put in place to support public transport providers. He confirmed that KCC had provided bus operators with funding provided by central government. Mr Shipton added that continuity payments made to operators had originally been funded through the un-ringfenced Emergency Grant and were subsequently funded by the ringfenced Home to School Transport grant, following the return of children to school.
5. A Member asked to what extent the Council, as an organisation, had learnt from and been impacted by the pandemic. Mr Oakford noted that the organisation had recognised and utilised its ability to react quickly and responsibly to emergency developments effectively. He acknowledged that it was too early to judge the overall performance of the Council during the pandemic, given the continued challenges faced. Members agreed that scrutiny of the authority's overall handling of the pandemic was best suited at a later date.
6. It was asked whether examples of best practice had been shared with neighbouring authorities during the pandemic. Mr Oakford confirmed that officers had attended meetings with their counterparts in peer authorities and had exchanged processes and learnings confidentially. It was added that Kent's services were quality and value benchmarked against other authorities.

RESOLVED that the report be noted.

34. Local Authority Coronavirus Enforcement Powers

(Item C2)

Mrs C Bell, Cabinet Member for Adult Social Care and Public Health; Miss D Morton, Deputy Cabinet Member for Adult Social Care and Public Health; Mr A Scott-Clark, Director of Public Health and Mr B Watts, General Counsel were in attendance for the item.

1. Mr Watts introduced the report and gave a verbal overview of the Covid-19 local authority enforcement powers possessed by the Council, this included the power to issue: Coronavirus Improvement Notices (CIN); Coronavirus Restriction Notices (CRN) and Coronavirus Immediate Restriction Notices

(CIRN). He noted that the enforcement notices extended to and included both individuals and businesses. A timeline of coronavirus enforcement regulation developments was provided. It was acknowledged that enforcement had required a multi-agency response from KCC Trading Standards, Public Health and Kent Police, with coordination through the Kent Resilience Forum enforcement cell.

2. Mr Watts recognised the future enforcement role of the Council, given the reopening of non-essential retail on 12 April 2021. Members were informed that the relevant powers remained in effect until May and June 2021 respectively. He further confirmed that consideration would be taken to judge whether Cabinet Member key decisions would be taken, during the pre-election period, when related to Covid-19 enforcement powers.
3. Mrs Bell addressed enforcement developments since the scrutiny of the Broadstairs Christmas Market and Pantiles Market local lockdown direction decisions on 22 January 2021. She confirmed that no further Covid-19 enforcement key decisions had been taken and noted the speed and competency of officer enforcement actions.
4. Mrs Bell was asked what lessons had been learnt and strengths recognised from the use of enforcement powers during the pandemic. She noted that the pandemic had highlighted the efficiency and flexibility of officers and confirmed that no significant lessons required learning. Mr Watts added, from a governance perspective, that key decision information had improved as a result of the process, the role of Scrutiny in recommending information criteria was acknowledged. It was noted further that many key decisions had been avoided due to effective correspondence with businesses and event operators, which allowed voluntary cancellation rather than authorised enforcement action.
5. A Member requested reassurance that KCC would take enforcement action against retailers who did not comply with regulations and asked how KCC could help businesses operate safely. Mrs Bell confirmed that appropriate decisions would be taken to reduce the spread of Covid-19, where necessary. Mr Scott-Clark added that risk assessments had been carried out and shared with operators, where vital, to recommend appropriate measures and provide reasonable notice of concerns.
6. A Member asked whether KCC would continue to have a Covid-19 enforcement role following the predicted end of social restriction on 21 June 2021 and ceasing of relevant regulatory powers. Mr Watts stated that there would be no enforcement once the obligation to enforce concluded and further reassured Members that no enforcement would be carried out beyond the scope of legislation. Mr Gough reaffirmed Mr Watts' statement on the use of powers and asserted that multi-agency Covid-19 enforcement in Kent had been an overall success. The public were thanked for their discipline and it was noted that the local Covid-19 variant had contributed to the previous rapid spread of the virus to a great extent, rather than public noncompliance.

7. In response to a question from a Member, Mr Watts confirmed the extent of correspondence between the Council and the operators of the three events closed under Health Protection (Coronavirus, Restrictions) (England) (No 3) Regulations. He agreed to circulate further information to the Committee regarding the outcomes of each decision.

RESOLVED that the report be noted.