

From: Ben Watts, Monitoring Officer

To: Scrutiny Committee – 9 June 2020

Subject: Scrutiny Committee Update

Classification: **Unrestricted**

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## **1. Introduction**

- a. Part of Kent County Council's response to the COVID-19 pandemic was to move to protect Members, Officers and the public by suspending meetings held where people were physically co-located. A lot of hard work has gone into reintroducing a schedule of informal briefings and formal meetings held virtually.
- b. Throughout June, Kent County Council (KCC) will be hosting an unprecedented number of briefings and meetings. These include the Scrutiny Committee meetings on 9 and 23 June and the preparations for our first virtual County Council meeting planned for the second half of June.
- c. Unlike a number of other Councils, we have worked to develop a meeting solution that does not require attendance at County Hall to run the meeting. It is entirely virtual. However, work has already begun with our suppliers in exploring how we can conduct hybrid meetings where some Members and Officers attend remotely and some in person. This will allow us to respond to future changes in the Government advice.
- d. A range of assessments are currently taking place at the Council's key buildings (including Sessions House) around the changes required to ensure a safe system and place of work. Once those are completed, we will begin work on how to bring our two current meeting broadcast systems together. We are working very hard at this and it will take time for us to get this up and running. Once we have carried out the initial assessments and understand the costs involved, I will prepare a report for Selection and Member Services Committee with clear timescales and project milestones.
- e. In the meantime, the Scrutiny Committee can be assured that KCC has developed virtual meeting processes that comply with constitutional and legislative requirements. For decisions to remain lawful, reasonable and proportionate and for Members and Officers to remain safe and protected, it is vital that we continue to use the virtual platform until we can safely deploy the hybrid.

- f. My Officers and I are acutely aware of how much Members value meetings in person and how keen a number are to get back into County Hall. We are also aware that a number of Members have the opposite view and do not want to return or cannot return because of health/welfare concerns. Alongside the unprecedented activity now being conducted, we will continue to do all we can to make sure that Kent remains at the forefront of adapting our processes and meetings.
- g. The COVID-19 emergency has necessitated Members and Officers working differently and the wider context has also meant that priorities have changed or shifted in emphasis.
- h. However, the fundamentals of good governance have not changed, and the Scrutiny Committee has an important role in making sure that the proper lessons are learned as to how Kent County Council (KCC) prepared for, and responded to, the COVID-19 pandemic.
- i. Similarly, it is important to retain governance discipline about the activities that are conducted by all of the Council's Committees and informal groups. Simply put, in unusual circumstances, usual rules apply. As discussed at the briefing meeting in May, it is important that in scrutinising in such a dynamic environment that this Committee ensures that it addresses things in the right order. It is more vital than ever that the Committee operate without predetermining decisions that are yet to be made or are for others to make if scrutiny is to maximise impact.
- j. Members of the Scrutiny Committee had discussions about how to focus its activities to best achieve this. In coming up with the right approach, the following constraints need to be considered:
  - i. Virtual meetings/briefings are a more intensive use of Democratic Services' time. There is therefore a limit to how many meetings can be arranged over any one period and effectively supported.
  - ii. Best practice advice suggests that virtual briefings/meetings are most effective when there is a clear focus to the matter under discussion.
  - iii. As we move forward, it is vital that discussions and meetings are supported by Democratic Services to ensure the impartial clerking and recording of actions, recommendations and outcomes without fear or favour.
  - iv. Many Officers across the authority are directly involved in supporting or delivering KCC's frontline response to the pandemic and issues arising from it. That frontline response continues despite the fact that the peak has passed. Care needs to be taken when diverting Officer's time and effort away from this work.

- v. The pandemic is an evolving situation and there is a need to focus on producing recommendations in a timely manner rather than carrying out a more open-ended review.
- k. Members, in particular the Chairman and Spokespeople, of the Scrutiny Committee have already expressed the view that strong consideration should be given to temporarily suspending the Select Committee work programme in order to free up some capacity necessary to carry out shorter and more focused pieces of work. The planned Topic Review work programme, and the next item scheduled (Climate Change and its effect on Kent) would commence later, subject to the Committee agreeing a resumption of the planned work programme.

## **2. Delivering Short, Focused, Inquiries**

- a. There are several options as to how this work could be carried out:
  - i. *Advisory Sub-Committees.* The Scrutiny Committee has the power to establish Sub-Committees to carry out functions on its behalf. The Sub-Committee would have its Terms of Reference set by the Scrutiny Committee and would be for the purposes of advising the Committee on possible recommendations. The membership would likely be smaller in number than the Scrutiny Committee. Once the membership was agreed, the Sub-Committee would meet several times to gather evidence and would disband once it had reported to the Scrutiny Committee. It should be noted that formal notice periods and public access rules would apply to meetings of such a sub-committee which may result in time pressures.
  - ii. *Informal briefings/evidence sessions.* These would be set up as any other informal briefing or evidence session and those Members involved would be able to ask questions and draw up suggested recommendations to report back to the Scrutiny Committee. It would need to be decided whether to open the briefings to all Members or the Scrutiny Committee alone, and how recommendations would be agreed. This informal evidence gathering focus would likely offer the most rapid review process.
  - iii. *Refocused Select Committees.* While the Select Committee work programme is suspended, a Select Committee could be established to look at an issue over a much shorter timeframe and holding fewer evidence sessions than would normally be the case. In addition to risks around confusion over terminology and output expectations, there are also specific rules and procedures for Select Committees which are geared more to deep-dive enquiries over many months, meaning that this might not be the most suitable approach at hand.
  - iv. *Additional/extended Scrutiny Committee meetings.* Once the topics had been agreed, these could be added to the agendas of Scrutiny

Committee meetings, or additional meetings established. This would add to the demands on the time of all Scrutiny Members and Officers specifically, where the other options would allow a wider range of Members to become involved and contribute.

- b. In all the above options, the focus would need to be on the recommendations being made and the main reasons for putting them forward. It might make sense to capture these in a simple, standard, template.
- c. For the reasons set out above, it would not be possible to investigate more than one topic at a time, or for the inquiries to be too broad. To put it simply, a short, focused, inquiry does not mean getting the same output as a full Select Committee would deliver but in a fraction of the time. Linked with this, consideration of timeframes for any inquiry must take into account the operational pressures on both Executive Members and Officers as the pandemic response continues.
- d. The Scrutiny Committee therefore needs to be clear, when establishing an inquiry in some format, about:
  - i. The focus of the inquiry.
  - ii. The key questions it needs to answer.
  - iii. The maximum number of sessions it expects to take place as part of the inquiry.

### **3. Recommendation:**

**That the Scrutiny Committee agrees to:**

- a. Note the current Governance approach to virtual meetings.**
- b. Agree a work programme of focussed enquiries to be carried out.**
- c. Delegate to the Scrutiny Officer the development and delivery of the best option for this programme, in consultation with the Chair.**
- d. Temporarily Suspend the current Select Committee Topic Review Work Programme.**

### **4. Background Documents**

None.

### **5. Report Authors and Relevant Director**

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