

<b>Report of:</b>	The Elected Mayor of Middlesbrough: Andy Preston Chief Executive: Tony Parkinson
-------------------	---

<b>Submitted to:</b>	Executive - 27 October 2020
----------------------	-----------------------------

<b>Subject:</b>	COVID-19 Governance and Decision-Making Update
-----------------	--

**Summary**

**Proposed decision(s)**

- That the Executive notes the governance arrangements that were and remain in place to support timely decision-making during the COVID-19 pandemic, and decisions taken between June and September 2020.
- That the Executive notes the robust lessons learned process undertaken on the Council’s overall response as part of its commitment to continuous improvement and the changes implemented and planned as a result.
- That the Executive approves the planned adjustments to decision-making processes to reflect those lessons learned.
- That the Executive approves a quarterly update report on COVID-19 decision-making from February 2021, to be presented alongside existing updates on the Strategic Plan and the Council’s financial position, and which will also be presented to Overview and Scrutiny Board.

<b>Report for:</b>	<b>Key decision:</b>	<b>Confidential:</b>	<b>Is the report urgent?</b>
Decision	No	No	No

**Contribution to delivery of the 2020-23 Strategic Plan**

<b>People</b>	<b>Place</b>	<b>Business</b>
Activity within the proposed COVID-19 Recovery Plan supports the achievement of all strategic priorities set out within the Council’s Strategic Plan 2020-23 and will ultimately contribute to a fundamental review of these, leading to the development of a new plan from the beginning of 2021.		

**Ward(s) affected**

COVID-19 has and will affect all wards in Middlesbrough.

## **What is the purpose of this report?**

1. This report provides an overview of the COVID-19 pandemic response since the last report was published for Executive on 8 June 2020 for the meeting held on 16 June 2020. It gives an overview of the governance framework that decisions were made within, details of those decisions and the process the Council has followed to reflect on lessons learned to date in order to strengthen future responses.

## **Why does this report require a member decision?**

2. Under the Civil Contingencies Act 2004 the Council has a legal duty (alongside other local partners) to plan for and deliver both a response to an emergency incident and the recovery from it. The Coronavirus Act 2020 created a number of new, and revised other, local authority powers and duties (principally regarding education, social care, volunteering and death management) in order to better enable the response to the COVID-19 pandemic.
3. COVID-19 is an unprecedented global event that will have long-term impacts on life within Middlesbrough and significant implications for the Council's objectives, the way it does business and its finances both in the current and future years.
4. The Council's Scheme of Delegation gives the Executive collective responsibility for corporate strategic performance and financial management / monitoring, together with associated action. This report provides transparency around how delegations were exercised during the pandemic in order to provide assurance around the robustness of governance processes.

## **Report Background**

5. The report to the Executive of 16 June 2020 report sets out in detail the timeline of the first wave of the COVID-19 pandemic, from the first reports of what is now known severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wuhan City, China on 31 December 2019 to the declaration of a global pandemic by the World Health Organisation (WHO) on 11 March, and beyond.
6. The report noted that by 7 June, there were 6.84 million confirmed cases worldwide, with 399,000 confirmed deaths. As of 30 September 2020, there had been 33.7m cases in over 200 countries, with 1.019m confirmed deaths. Within Middlesbrough there have been 1,502 cases and 207 deaths to the end of Quarter Two 2020/21.
7. Most countries across the world have now moved through the first wave and are entering the second wave of the pandemic, with national and local emergency response and future planning evolving in real time.
8. On 25 March 2020, the Coronavirus Act 2020 came into force, conferring a number of time-limited powers on a range of public sector organisations, including local authorities to change the way they operated and to give them additional powers to respond to the pandemic in their locality. This legislation will be in place for two years, and reviewed every six months.
9. The Council's response to the pandemic and to local outbreaks must be aligned with the national response. The report of 16 June set out the Council's response command

structure of Gold, Silver and Bronze. At the time of writing, this command structure is partially stood down as the Council is managing efforts to reduce transmission in the town through its local outbreak control arrangements.

10. In May 2020, a national government directive was issued to establish 11 beacon local authority areas, of which Middlesbrough was one, to contribute towards the development of an integrated national and local approach in managing outbreaks of COVID-19, resulting in the development and launch of Local Outbreak Management Plans by 1 July 2020. The Council's plan was published by this date and is operational.
11. In addition to existing national and regional support mechanisms, a local governance structure to support this work was established, in terms of both sharing of information, deploying resources and decision-making. This structure comprises three inter-related groups / functions with the following role / remit / purpose(s):
  - **South Tees Health Protection Board** – To build upon on existing health protection plans, establish and implement measures to identify and contain outbreaks of COVID-19 and protect the public's health in Middlesbrough. Providing technical and professional advice to the Strategic Coordination Group and Local Outbreak Control Board, the Health Protection Board leads on the development of the local Outbreak Management Plan.
  - **Strategic Coordination Group** – To establish and resource arrangements to prevent and effectively manage suspected and confirmed outbreaks of COVID-19 within Middlesbrough. The group is chaired by Middlesbrough Council Chief Executive, with membership made up of Council representation, national government and local key partners and agencies.
  - **Local Outbreak Control Board** – To ensure Middlesbrough's communities are engaged in local outbreak planning and management, providing regular and timely information to the public on prevention measures, suspected and confirmed local outbreaks of COVID-19, including action taken by the Council and action that steps that should be taken by the public. The group is chaired by the Mayor of Middlesbrough with membership made up of Council representation, national government and local political representation.
12. The key events of the Council's response to 7 June are outlined in paragraphs 96 to 145 of the report of 16 June, and included a detailed summary of the decisions taken via the Council's response command structure. These decisions covered:
  - operational decisions on the cessation, reduction and amendment of various services;
  - local implementation of national schemes put in place by the Government; and
  - suspension of Council meetings and implementation of virtual meeting solutions.
13. Emergency decisions have to be taken in the fast-moving environment of incident response. Accordingly, and as set out within the 16 June report, the Mayor of Middlesbrough delegated authority to the Council's Chief Executive to make Executive decisions of a policy, financial and operational nature in response to the COVID-19 emergency.
14. This authority was used by the Chief Executive when chairing Gold Command on those occasions where the Mayor and / or Deputy Mayor were unable to attend. All decisions

made by Gold, Silver and Bronze Commands during the incident were in line with delegated authorities set out within the Council's Constitution and have been appropriately recorded to inform the future post-incident.

15. The Executive Scheme of Delegation has been amended to reflect this and was approved by Council in September 2020. It states that 'The Chief Executive of the Council, or any officer nominated by the Chief Executive as his Deputy in this regard, will have delegated authority to make Executive decisions of a policy, financial and operational nature in response to the COVID-19 emergency'.
16. During the course of the pandemic decisions on the exercising of these powers have been communicated to members and staff extensively, through monthly updates to Overview and Scrutiny Board utilising video conferencing and regular YouTube video briefings. Feedback from a lessons learnt exercise conducted with staff in response groups highlighted these briefings as a significant strength, ensuring detailed information on decisions taken at Gold Command by the Mayor or Chief Executive were shared quickly and in great detail to enable other groups to act upon them.
17. As the pandemic progressed, the Council has worked to minimise the need to use these emergency powers, taking decisions following business as usual processes where timescales allowed. This is reflected in the timeline of decisions taken between June and the end of September, as set out below.

### **June 2020**

18. At the first meeting of the Strategic Coordination Group on 10 June 2020, a decision was taken to deploy a temperature check programme across key locations in Middlesbrough to raise awareness of COVID-19, engaging with key partner agencies via the Local Outbreak Control Board.
19. From 18-25 June 2020, Gold Command took a number of decisions in relation to the resumption of Council services, aligned with the Government's national recovery plan and ensuring that COVID-19 Secure guidance was adhered to. These decisions covered the reopening of enterprise centres, park buildings, workspaces (excluding office space) and bus station facilities. The return of face-to-face registrations of birth and deaths was also approved.
20. On 26 June 2020 it was confirmed at the Local Outbreak Control Board that an order had been placed for 1,000 Vaxeal test kits. The kits were ordered as part of steps being considered to explore the prevalence of antibody immunity within the town.

### **July 2020**

21. The Mayor of Middlesbrough took a Single Member decision on 1 July 2020 to agree a Discretionary Grants Fund policy for the administration of grants to small businesses, including those not covered by the first phase of grants, locally implementing the national Government's scheme.
22. On 2 July 2020, Gold Command reinstated some parking enforcement to ensure improved compliance with regulations in response in an increase in road users following the lifting of the national lockdown restrictions and the planned national relaxation of regulations that allowed hospitality businesses to reopen from 4 July

2020. A decision was also taken to temporarily reduce bus station departure charges for a month to support local bus services.

23. Many of the drivers for decisions taken in this period were to maintain alignment and keep pace with national changes. This was the case when the decision was taken to reopen playgrounds on 2 July in the same meeting, to be effective from 4 July 2020.
24. During July, the Council continued to move to restore services where it was safe to do so and more specifically at a meeting of Gold Command on 16 July 2020, it was agreed in principle to resume collections of bulky waste. In line with national recovery planning and in response to a change in national direction on face coverings, it was agreed to make these mandatory within the bus station.
25. On 14 July, the Executive agreed changes to locality working to reflect the impact of COVID-19. It also agreed a wider report that set out the impact of COVID-19 on previous Executive decisions, along with revised timescales.
26. On 18 July 2020, the Government gave local authorities additional powers to enable them impose local restrictions including the ability to close specific premises, shut public outdoor spaces and cancel events in order to manage local outbreaks of COVID-19. A governance process is now in place to exercise this power through the Local Outbreak Strategic Coordination Group, though it has not been deemed necessary to use this power so far. If a direction needs to be issued, the Chief Executive will do so using the emergency delegation relating to COVID, as the decision to issue such a direction is an Executive function.
27. The next phase was to reopen Council libraries and stand-alone community hubs, and resume face-to-face social work assessments, having received assurance that both had seen adjusted risk assessments and measures put in place to ensure they were COVID-19 Secure.
28. Other decisions taken by Gold Command related to administration of national schemes. On 23 July 2020, Gold Command considered the practical steps that would need to be taken to allocate Emergency Food Grant funding provided by the Government.
29. As previously reported in June 2020 to Executive and Overview and Scrutiny Board, payments were made to casual staff who lost out on planned work during the first wave. In July the decision was made to phase these payments out by 31 August 2020.
30. During July, the Council worked to support the reopening of its leisure centres that are managed by a third party. On 24 July 2020 a Single Member decision was taken by the Executive Member for Adult Social Care and Public Health to approve funding on a trial basis for three months for any additional, unrecoverable costs relating to the phased reopening of leisure centres, which subsequently reopened by September 2020. This was a shorter timescale than originally planned in response to strong community representations received by the Mayor on the impact of the original proposed timescales for reopening.

## **August 2020**

31. On 6 August 2020, local guidance around funerals and crematoriums was amended by Gold Command to align with national guidance on COVID-19 Secure funerals. This included making it compulsory to wear face coverings for crematorium services within chapels.
32. Gold Command continued to respond to the reopening of the town centre, agreeing on 13 August 2020 to re-launch parking charges that had been temporarily suspended during lockdown and the first phase of town centre reopening.

## **September 2020**

33. The Chief Executive called an emergency meeting of the Strategic Coordination Group and Local Outbreak Control Board on 1 September, with a comprehensive update provided to the Overview and Scrutiny Board on 3 September 2020, specifically in relation to the governance framework in place for managing response and the response to a recent outbreak in the town.
34. In response to a surge in positive COVID-19 case numbers, during September the Council moved to increase and sustain capacity within key voluntary and community sector organisations, using funding from the Government's Test and Trace Grant. This approach was approved in principle by the Strategic Coordination Group and documented in an officer delegated decision taken by the Chief Executive, on 17 September 2020.
35. An officer written decision was taken on 22 September 2020 to put in place a small grant scheme to support small (micro) businesses, taxi drivers and the self-employed to introduce measures to their workspaces to ensure they were COVID-19 Secure.
36. Looking towards winter 2020, the Council also began planning for potential impacts that a severe flu season could bring. On 28 September the Chief Executive took a delegated decision to commission a voluntary flu vaccination programme (subject to availability) for those Council employees that did not meet the NHS eligibility criteria.

## **Lessons learned**

37. The Council's response to the pandemic to date has on several occasions been recognised by the Government as being particularly strong.
38. Notably, the Commissioner appointed by the Department for Education to oversee improvement work within children's safeguarding services wrote in May 2020 that *'COVID 19 has brought unparalleled challenges to the LA and wider system leaders. As demonstrated in this report there is much to commend this LA for on its response. They have evidenced their ability to lead, co-work and communicate highly effectively, collectively and at speed.'*
39. In line with best practice, the Council has conducted a lessons learned exercise with those involved in the initial response. Feedback was overwhelmingly positive, praising communications in particular and providing suggestions to further strengthen some processes.

40. It has been agreed that the Council will develop a future Coronavirus Response Plan that will set alongside the pandemic Flu Plan and the Council's set of business continuity plans. This plan will be in place by the end of October and will address the lessons learned from the first phase response to COVID-19 and local outbreak planning.
41. In addition to this, in order to ensure robust decision-making that follows good governance standards, it was identified that updated guidance on decision-making processes would be useful to help officers understand the different routes that exist given the creation of a number of temporary structures during the first wave of the pandemic.
42. Work is now ongoing to update decision making guidance for officers to reflect these temporary structures within it, be supplemented by virtual training.
43. Officers are also in the process of agreeing amendments to the standard report format for committees to complement this. It is anticipated this work will be complete by December 2020.
44. It is also proposed that the Executive receives a quarterly update report on COVID-19 decision-making from February 2021. This will be presented alongside existing updates on the Strategic Plan and the Council's financial position, and will also be presented to Overview and Scrutiny Board.

#### **What decisions are being asked for?**

45. That the Executive notes the governance arrangements that were and remain in place to support timely decision-making during the COVID-19 pandemic, and decisions taken between June and September 2020.
46. That the Executive notes the robust lessons learned process undertaken on the Council's overall response as part of its commitment to continuous improvement and the changes implemented and planned as a result.
47. That the Executive notes the planned adjustments to decision-making processes to reflect those lessons learned.
48. That the Executive approves a quarterly update report on COVID-19 decision-making from February 2021, to be presented alongside existing updates on the Strategic Plan and the Council's financial position, and which will also be presented to Overview and Scrutiny Board.

#### **Why is this being recommended?**

49. The planned actions allow the Council to continue to meet its legal obligations under the Civil Contingencies Act 2004 and enable the effective management of finances, performance and risk in line with the Council's Local Code of Corporate Governance.

#### **Other potential decisions and why these have not been recommended**

50. Not applicable – the Council has a legal duty to respond to an emergency incident.

## **Impact(s) of recommended decision(s)**

### **Legal**

51. The proposals enable the Council to continue to meet its legal duty under the Civil Contingencies Act 2004 and continue to meet standards set out in the Local Code of Corporate Governance.

### **Financial**

52. While there are significant financial implications from the COVID-19 pandemic, in the short to long-term, this report focusses on the governance processes and amendments to those. As such there are no direct financial implications, however a number of decisions exercised from the June to September period did have financial implications. These have been and will continue to be reported in the post-quarter budget outturn reports to the Executive and Overview and Scrutiny Board.

### **Policy framework**

53. This report does not seek to amend the Council's Policy Framework.

### **Equality and diversity**

54. Not applicable.

### **Risk**

55. COVID-19 has brought and will in future pose a number of increased and new risks to the Council, as outlined in the body of this report. These have been and will continue to be reported in the post-quarter Strategic Plan update reports to the Executive and Overview and Scrutiny Board. The Council's forthcoming Coronavirus Plan and its developing COVID-19 Recovery Plan set out a broad range of activity to address these risks.

### **Actions to be taken to implement the decision**

56. Current decision making guidance and training materials will be amended by Democratic Services as set out within this report and communicated to members and officers as appropriate. The standard committee report format will also be amended to reflect lessons learned from the COVID-19 response to date.
57. The next quarterly update report on COVID-19 decision-making to the Executive and to Overview and Scrutiny Board will be in February 2021.

### **Appendices**

None.

### **Background papers**

26/06/20 Executive; COVID-19 – the Council's response and Recovery Plan



**Contact:** Ann-Marie Johnstone, Governance and Information Manger

**Email:** [anmarie\\_johnstone@middlesbrough.gov.uk](mailto:anmarie_johnstone@middlesbrough.gov.uk)