

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 1 October 2020.

PRESENT: Councillors J Thompson (Chair), M Storey (Vice-Chair), C Cooke, D Coupe, A Hellaoui, T Higgins, B Hubbard (as Substitute for M Saunders), T Mawston, C McIntyre, J McTigue and J Platt and Z Uddin.

PRESENT BY INVITATION: Councillor C Hobson - Executive Member for Finance and Governance.

ALSO IN ATTENDANCE: A Preston - Elected Mayor.

OFFICERS: C Benjamin, C Breheny, G Cooper, S Lightwing, C Lunn, E Mireku, T Parkinson, S Reynolds and I Wright.

APOLOGIES FOR ABSENCE Councillors L Garvey and M Saunders.

DECLARATIONS OF INTERESTS

There were no declarations of interest made at this point in the meeting.

20/28 MINUTES - OSB - 3 SEPTEMBER 2020

The minutes of the meeting of the Overview and Scrutiny Board held on 3 September 2020 were submitted and approved as a correct record.

SUSPENSION OF COUNCIL PROCEDURE RULE NO. 5 - ORDER OF BUSINESS

ORDERED that, in accordance with Council Procedure Rule No. 5, the Board agreed to vary the order of business to consider agenda items 4 ('Mayor's Update') and 6 ('Middlesbrough Council's Response to COVID-19') together, as the Mayor and Chief Executive were required to leave the meeting at 5.00 p.m.

20/29 MAYOR'S UPDATE

The Chief Executive provided a verbal update to the Board in relation to COVID-19.

Members heard that there had been a significant rise in the number of positive COVID-19 cases over the last three weeks, with the rates increasing by circa. 180%. The rate currently stood at 116 positive tests per 100,000 of the population. It was explained that 80% of those positive tests had occurred from household to household transmission. There was no particular 'hotspot' area within Middlesbrough - it was a town-wide issue. Over 80% of those testing positive were white British, but there had been a shift in the demographics over recent weeks. Previously, there had been more positive cases in the 18-39 age range, however, more recently, there had been an increase in older and more vulnerable age groups, which was reflected in the increased number of hospital admissions. As at week commencing 21 September 2020, 27 COVID-19 positive patients were being treated at James Cook University Hospital; an additional COVID-19 ward had opened at the hospital today.

In response to the increase in COVID-19 cases, the Council had undertaken a variety of activity, which included:

- Communications work in relation to ensuring COVID-19 secure practices were in place in public premises/areas, such as public houses (e.g. social distancing measures, sanitisation, etc.);
- Delivery of leaflets and facemasks to households across the Borough;
- Being the first Local Authority in the country to launch COVID-19 secure grants for sole traders and self-employed people with a workforce of less than nine, which could

- be accessed to make premises COVID-19 secure; and
- Work was currently taking place to determine the possibility of rapid access to testing and results within school settings.

Details were provided in relation to a submission to Central Government to request the following:

- In terms of further restrictions, that these be made on indoor household to household contact, but that people living in those households could meet in premises outside of their home that had COVID-19 secure measures in place (with exemptions for people living alone or with caring responsibilities, for example);
- Given the health demographic in the town and the prevalence of respiratory disease, that an increase in the number of available flu vaccinations be provided; and
- That additional testing capacity and financial support be provided.

Reference was made to the announcement made earlier today of the more stringent measures that had been put in place, which meant that from 3 October 2020, it would be illegal for Middlesbrough residents to mix with other households in any indoor setting, irrespective of what that indoor setting was. It was highlighted that there had not been any formal notification received in respect of this, and explained that in light of the announcement, lack of consultation and the uncertainty around an exit strategy, a conversation with Government was currently being sought. Discussion would also need to be undertaken in respect of the impact on the town, local people, and the support that would be required and how that would be financed. A package of £7m had been indicated during the announcement regarding the further restrictions in Middlesbrough, Hartlepool, Liverpool City Region and Warrington, and whilst a figure on the level of support was awaited, it was anticipated to be in the region of £300,000 which, whilst in a period of additional restrictions, would not be sufficient.

Following the update, Members were afforded the opportunity to ask questions of both the Chief Executive and the Mayor. The following issues were raised:

- A Member sought clarification as to what these further restrictions meant in terms of being able to leave certain areas of Middlesbrough, or the area itself. In response, it was explained that formal notification from the Government had not yet been received, and therefore the details of the regulations were currently awaited. However, officers had accessed those regulations that were applicable to the 'LA7'. It was unsure as to whether it would be law or advice that all but essential travel should be avoided (essential travel being travel to work and school and not to public houses or shops unless, in the case of the latter, there were no other means of obtaining necessities). The details were currently being sought;
- A Member referred to Ward Surgeries and the isolation of residents not able or willing to use online or smartphone-based resources. To reduce this isolation, it was queried whether it would be possible to classify travel to a face-to-face Ward Surgery as essential (i.e. work/support-based). In response, it was explained that a definitive answer could not be provided as the details around the regulations were currently awaited. However, there was a clear directive from the Government that people should work from home wherever possible, and undertake their work virtually. This would need to be looked at following receipt of the awaited details;
- A Member made reference to events taking place over the course of the day and commented that many people were confused and unclear about what was now expected of them. It was appreciated that full details of the restrictions had not yet been received, however, the Member asked if the Mayor could advise of his message to local people about what actions they should be taking in light of these new restrictions. In response, the Mayor acknowledged that there was ongoing confusion. Reference was made to the national increase in COVID-19 cases and it had been anticipated that, because of Middlesbrough's demographics and previously being at the upper end of the positive case statistics, further restrictions may be imposed at some stage. On-going awareness raising in respect of face coverings and social distancing measures was being undertaken to help prevent this. However, when the additional restrictions came into force for the 'North East 7', and Middlesbrough's

infection rates continued to rise, there were concerns that further restrictions may be imposed on Middlesbrough too. In taking into account the potential ramifications on peoples' mental and physical health, and for the local economy, an approach was made to Government. The aim was to avoid general restrictions being imposed without local knowledge or consultation, as had been the case in other areas, by offering a local Public Health-driven solution to the challenge of increasing infection rates that would allow local people to meet and mix in safe environments (i.e. COVID-19 secure establishments), and carry-out general day-to-day tasks that were essential for everyday life and to maintain health and wellbeing. Disappointment was expressed that there had been no communication in advance of the announcement to impose further restrictions on Middlesbrough, and it was again acknowledged that there was confusion as to what the restrictions meant for local people. It was highlighted that the law would always be conformed with, but it was felt that the proposals being made by the Government (which would become lawful on 3 October 2020) were in large parts unnecessary and would damage mental health and physical health, general wellbeing and the local economy. It was felt that a conversation with the Government regarding the benefits of local knowledge and expertise would greatly assist in this regard;

- A Member referred to the compulsory wearing of face coverings and enforcement of non-compliance in supermarkets, and queried whether a letter could be sent to these businesses to query whether security personnel could be authorised to prevent non-compliers entering stores, or eject individuals if face coverings were removed once inside the premises. In response, the Mayor acknowledged the frustration felt around this, but explained the difficulties in ensuring conformity. It was felt that disposable masks could be offered upon entry, but it would be Police presence/action that would make a marked difference in this regard, which would require additional resource. It was indicated that businesses had the legal right to deny access to anybody for any reason, although businesses would be aware of the potential implications for staff in such circumstances. It was explained that a letter could be drafted, but social media may have a greater impact. A Member supported the Mayor's comments;
- A Member requested that when the awaited information was received, that this be clearly displayed on the Council's website as soon as possible to ensure absolute clarity. The Chief Executive advised that this had been planned for and would be undertaken;
- A Member explained that he had received several enquiries from different businesses experiencing difficulties, some relating to non-payment of grants, and queried whether a Single Point of Contact could be established to deal with such contact. In response, the Chief Executive advised that this was something that could be achieved; the understanding was that the Economic Development team was a general point of contact. In terms of grant funding, the Revenues and Benefits team was the single point of contact, with one email address in place for the submission of applications. It was understood, however, that all eligible businesses that had fully completed the required documentation had received a payment. Mention was made of a further grant scheme for areas where there were Government interventions, like Middlesbrough, where a payment could be made. It was indicated that publicising the single telephone numbers more easily could be looked at;
- A Member commented that a number of residents had contacted him to request clarification on what had been announced earlier in the day. The Member requested that the Mayor reiterate that what the Local Authority had requested, and what was being imposed, were two very different things. In response, the Mayor confirmed this was the case;
- A Member made reference to school closures and queried how many closures there had been, whether these were primary and/or secondary, and if schools were closed, what provision was in place for children to ensure continuation with their education. In response, the Chief Executive indicated that, to date, there had been cases of COVID-19 in 15 primary schools, five secondary schools and three special schools. The action taken had varied from school to school, which had included school closures for a period of two weeks, and a 'bubble' that had been sent home for self-isolation. In terms of maintaining children's education, schools did try and provide this virtually whilst children were at home. It was indicated that, in terms of

the infection rates in schools, 28 were pupils and 44 were staff, and as a consequence, a total of 1183 pupils and 105 staff had needed to self-isolate over the last two weeks. Public Health worked closely with the schools to identify infectious periods, direct contacts, isolation periods in line with the guidance, etc., so this was something that was being very actively monitored. It was reiterated that one of the areas currently being explored was the potential for rapid testing for schools to enable teachers and other school staff to become aware that they were COVID-19 positive, or not, and either isolate or return to work much more quickly;

- A Member sought clarification on the term 'education' in this context, and whether that referred solely to children's education (and excluded adult education). In response, the Chief Executive confirmed this to be the case, i.e. the term referred to formal education settings and not social education classes;
- A Member referred to the change in demographics/age groups affected by the rising infection rates, and queried whether there was a process in place for ensuring that elderly COVID-19 positive patients were not transferred back to care homes from hospital. In response, it was explained that discussion was currently taking place with care home providers in respect of this. It had been well documented through the first spike that COVID-19 positive patients were discharged to care homes, and a lot of deaths across the country had occurred in care homes because of the particular vulnerabilities in those settings. It was anticipated that the outcome of the discussions with care home providers would be the establishment of a separate facility in which COVID-19 positive elderly patients, who were to be discharged from hospital, would be cared for in that setting, as opposed to within the general care home population and isolated within that care home environment. It was highlighted that staffing would be kept separate to ensure that staff were not crossing between a facility that cared for discharged COVID-19 positive patients, and then proceeding to care for a general care home population. It was anticipated that arrangements would be implemented in the very near future;
- In response to an enquiry from a Member regarding the new regulations and what this meant for adult education facilities, the Chief Executive reiterated that as soon as the details of the regulations were provided, this could be looked at. Mention was made of discussions held around day centres and whether or not these could continue to be opened (a position that was unknown at the present time). It was indicated that advice would be circulated as soon as possible, once details had been received from the Government;
- A Member made reference to care homes and commented that, if a resident had been sent from a care home to hospital and contracted COVID-19, their feelings should be taken into account, where possible, when determining the next course of action. It was felt that admission to a new care facility where the respective individual did not know anybody could cause immeasurable personal distress. In response, the Chief Executive agreed with this view, but explained that, unfortunately, because care homes were all private entities, nobody could be forced upon them, and therefore if there was refusal to accept COVID-19 positive residents, this could not be enforced; and
- A Member wished to convey a message of thanks to the Marketing and Communications team for keeping Members informed of developments, as it was felt that this helped to facilitate constituent support.

The Chair thanked the Mayor and Chief Executive for their attendance and contributions to the meeting.

NOTED

20/30

EXECUTIVE FORWARD WORK PROGRAMME

The Chief Executive submitted a report which identified the forthcoming issues to be considered by the Executive, as outlined in Appendix A to the report. The report provided the Overview and Scrutiny Board with the opportunity to consider whether any item contained within the Executive Forward Work Programme should be considered by the Board, or referred to a scrutiny panel.

The Chair made reference to page two of Appendix A, specifically the 'Exempt Report - Direct Cremation' item, and queried with the Vice Chair of the Economic Development, Environment and Infrastructure Scrutiny Panel (Councillor B Hubbard) as to whether this matter had been raised during the panel's 'Review of Teesside Crematorium', or whether the panel would be looking at this. In response, Councillor Hubbard advised that the initial decision in respect of this had been taken after the panel's last meeting on 8 September 2020. However, the panel's next meeting had been scheduled to take place on 7 October 2020, at which the panel would consider its draft final report in respect of Teesside Crematorium.

NOTED

20/31 MIDDLESBROUGH COUNCIL'S RESPONSE TO COVID-19

This item was considered alongside agenda item four.

20/32 EXECUTIVE MEMBER UPDATE: FINANCE AND GOVERNANCE

The Executive Member for Finance and Governance, Councillor C Hobson, was in attendance at the meeting to update the Board on her aims and aspirations, progress made to date and to highlight any emerging issues relating to her portfolio. The following points were made:

- The Executive Member expressed her thanks to all staff within the directorate for all of the hard work undertaken, particularly during the pandemic;
- HR had been supporting staff working from home. Over 1000 letters had been issued to key workers at the beginning of the lockdown period to enable them to travel and carry-out their work. A survey had been undertaken with staff to ascertain performance on working from home. 41% had advised that they worked better from home; 41% advised that it made no difference; and 18% advised that office working was preferred. Equipment such as desks and chairs had been supplied to staff to facilitate working from home. HR had worked with Health colleagues to distribute videos to remind staff to take regular breaks and undertake physical exercise. Some staff had been experiencing feelings of anxiousness, depression and irregular sleeping patterns during the pandemic, and these individuals were being carefully monitored. An Employee Assistance Programme had been established and Mental Health First Aiders put in place to regularly check on staff. Managers had been keeping in touch with their staff both formally and informally. HR had also been heavily involved with the recovery process and had made preparations for supporting staff to return to offices in November, although this had now been put on hold;
- ICT Services had successfully undertaken an enormous task in setting up staff for home working. Whilst the Council had implemented agile working a number of years previously, which had helped significantly, in terms of statistics, the number of agile workers had increased from 400 to an average of 1200. Examples of the tasks undertaken by ICT Services were provided;
- The Registry Office staff had been working hard to ensure continual operation of the service. Reference was made to a marriage ceremony undertaken at home to fulfil a groom's dying wish, which had featured in the local press;
- Revenue and Benefits had supported over 2000 businesses through the processing of business grants totalling £24m. It was acknowledged that the Authority's Council Tax collection rate was poor and did require significant improvement. Reference was made to the 'Stop the knock' programme that had been introduced, which was felt would, in time, help to improve collection rates. It was explained that residents now had a Single Point of Contact, with dedicated caseworkers supporting them. This was already showing a positive impact, as staff were now holding conversations with residents who previously would not have engaged. It was highlighted that COVID-19 had significantly impacted on residents, with job losses and severe financial hardship being experienced. Following the announcement of Government funding, the Revenue and Benefits team was reaching out to residents and providing them with short-term financial support to assist during these times. It was felt important to work closely with people to establish the root cause of non-payment of Council Tax, and remove as many barriers as possible. It was felt that 'Stop the Knock' would make a significant difference to Middlesbrough's residents, and to the Council as a whole;

- The Procurement and Commissioning team had responded quickly to COVID-19 by sourcing the required Personal Protective Equipment (PPE) for Council staff and, at the start of the pandemic, providing essential PPE for care workers across Middlesbrough. The team had set-up the PPE warehouse, which acted as the regional hub for the Local Resilience Forum for the Tees Valley. Calls were made daily to care providers to deal with on-going queries, seven days per week, and the team continued to offer that support to providers on all COVID-19-related issues. All contracts had been reviewed to ensure continued operation in the current climate, and the team had managed supplier relief and provider relations throughout the period to ensure that contracted providers remained sustainable. The team was now working on both winter planning and recovery, with key members of the planning team leading and participating in both adults and children's recovery planning;
- The Democratic Services team was thanked for the work that had been undertaken to support meetings virtually since the start of the pandemic;
- The Executive Member explained that prior to COVID-19, regular meetings were held on a face-to-face basis with staff in all departments. Following the outbreak of the pandemic, the Executive Member continued to meet with officers virtually, attending weekly meetings to receive information/updates from all services within her portfolio;
- Over the course of the current financial year, officers in Finance had been working to track the cost pressures associated with COVID-19 and ensure that the financial support provided by Central Government was being fully utilised. Work had also commenced on future forecasting of the Council's financial position. As an example, the updated Medium Term Financial Plan (MTFP) predicted a £700,000 increase in Council Tax revenue in 2022/2023 due to projected housing growth, although this could be impacted by COVID-19;
- Agreement had recently been reached by national employees and the NJEC Trade Unions as to a 2.75% pay award for 2020/2021. Across the board, this was effective for Local Government employees from 1 April 2020. Previously, a 2% pay award had been assumed in the MTFP (which had now been updated to reflect the 2.75%);
- A £3m funding gap was projected for 2021/2022; the Executive was currently working on ways that savings could potentially be achieved; and
- In terms of the Executive Member's aspirations, these were:
 1. To see the town a vibrant place once again;
 2. To see Gresham re-built;
 3. That the Council be operated like a business, with Council Tax collections being at the top limit, which was hoped would lead to a Council Tax freeze rather than an annual increase; and
 4. That Middlesbrough be seen as the best small town in the North East.

Following the update, Members were afforded the opportunity to ask questions and the following issues were raised:

- A Member queried the current position of the Members Small Scheme Allocations Fund. In response, it was explained that this was due to be considered by the Executive in the near future;
- A Member made reference to the Digital City Strategy and queried how businesses would feed into the strategy. In response, it was explained that a lot of work was being undertaken to help Middlesbrough become a digital city. Digital businesses were very important to the Local Authority and close contact was being maintained;
- A Member queried whether any funding, grant or already in the budget, was available to continually improve the Council's ICT infrastructure. In response, it was explained that options as to ICT devices were currently being reviewed. The Head of Finance advised that there were no grants currently available, however, the Council did have an on-going ICT infrastructure investment budget within the Capital Programme. It was indicated that staff in ICT were actively reviewing software options, which could be funded from this budget;
- A Member made reference to the aspiration of a Council Tax freeze and queried the strategies being employed to achieve this. In response, the Executive Member reiterated that only through the Council operating more as business and bringing in funds would a freeze in Council Tax be achieved. In light of COVID-19 and the

associated implications, it was not being suggested that a freeze would be possible this year, but perhaps in future if the Council operated as a business. It was felt that in comparison to other Local Authorities, Middlesbrough was performing well financially, with staff working hard to help minimise the negative impact as far as possible;

- A Member made reference to Council Tax rates and explained that, in the last year, the figure of uncollected Council Tax was £6m, which was a £1m (22%) increase on the previous year. It was queried what strategies would be put in place to address this shortfall in the coming year. In response, it was indicated that work was being undertaken in respect of uncollected Council Tax; it had been a very difficult year, particularly due to COVID-19, but staff were working very carefully with residents. 'Stop the Knock' offered residents direct contact from an assigned caseworker, which meant that direct support could be provided on a case-specific basis. It was highlighted that a rise in Council Tax was not the favoured outcome, but unfortunately COVID-19 had caused significant issues, and therefore a rise in Council Tax collection rates may not be seen for the next two years; and
- A Member commented that the work of the previous administration had helped support the Council's current financial position.

The Chair thanked the Executive Member for Finance and Governance for her update.

NOTED

20/33

COVID-19 AND FINANCE UPDATE

The Director of Legal and Governance Services and the Director of Finance provided the Board with information relating to COVID-19 and Council financial matters, which was delivered via two presentations.

The first presentation, delivered by the Director of Finance, focused on a budget update and covered the following topics:

- Purpose of the update;
- Estimated budget gap and additional budget savings;
- Details of changes to the MTFP since February 2020;
- Meeting the budget gap;
- Government support; and
- Next steps.

The Board was advised that officers in Finance currently aimed to ascertain:

1. What the COVID-19 situation could be like next year in terms of infection rates, and the potential impact on the town;
2. What financial pressures this could cause for the Council;
3. What level of support might be available to assist with financial pressures; and
4. What the underlying regime for the Council would be.

These were large questions that were unclear at this stage, and therefore appropriate assumptions needed to be made.

In terms of the estimated budget gap for 2021/2022, it was explained that this was forecasted at £3,011m, which would need to be dealt with through measures to close that spending gap. A series of sessions had been held with Members and officers over the summer months to discuss some of the issues surrounding the MTFP, with great engagement being received. The key issue for the Director of Finance was to ensure that a balanced budget was in place for next year, which took into account the risks and made prudent expectations.

Reference was made to a report submitted to Full Council in September 2020, and to a MTFP report submitted to Executive in September 2020, which indicated that £4.4m of the Council's reserves had been utilised this year to cover pressures relating to COVID-19. Based on current assumptions, these funding pressures would not be met by Central Government, and

therefore the key element that had changed in the MTFP was that a provision of £3m was being made next year to cover any COVID-19 pressures. It was explained that reserves were currently at the lowest advised level, and therefore broad assumptions and reviews of various areas had been made to prevent reserves needing to be utilised further.

In terms of the details of changes to the MTFP since February 2020, in addition to the £3m provision detailed previously, Members were advised that, due to the impact of COVID-19, a collection fund deficit of £3.9m was forecast. The Government had announced that this could be spread across three years, and therefore there was £1.3m in next year's planning that needed to be taken account of. Reference was also made to the 2.75% pay award in the current year, which was higher than the 2% budgeted for. In essence, this meant that a further £670,000 was required.

In terms of how the £3m budget gap would be met, it was clarified that this did not equate to £3m worth of service cuts, as all options were being explored. Executive Members and officers were working on maximising the amount of the gap that could be closed through efficiencies and savings, which were not impactful or visible to the people of Middlesbrough. Income generation, including Council Tax income, also needed to be explored. As per the previous MTFP assumption, the £3m assumed a Council Tax increase of 1.99% each year in 2021/2022 and 2022/2023. If that were to be higher, the £3m gap would reduce. Those were the types of options being explored, which would be brought forward as part of the Strategic Plan report in November, as would usually be the case.

In terms of Government support, the Board heard that grant funding and commitments were being received for COVID-19-related expenditure, however, the Council was approaching the allocated amount. If the current lockdown situation meant that further expenditure was incurred and equivalent funding was not received, appropriate choices would need to be made. Owing to the constantly-evolving nature of the current situation, it was too early to determine at present what decisions would need to be taken. It was highlighted that the level of Government funding for next year was unknown at the moment. A Comprehensive Spending Review was currently taking place in Central Government; once the Ministry of Housing, Communities and Local Government, and the Department of Education and the Department of Health had received their allocations, which was expected to be by November, a Local Government Finance Settlement (LGFS) would follow, together with an indication of what next year's allocation may look like. Consideration was given to the timescales involved and the potential impact on the current MTFP assumptions, and associated solutions, if there was a significant difference in the actual financial support received from the Government next year.

Regarding next steps, these were outlined as follows:

- A report was submitted to Executive on 29 September 2020, which included a revised MTFP and the estimated level of additional budget savings required to bridge the financial gap in the MTFP;
- October-December 2020 - Further review of the MTFP and details of the proposed budget savings to meet the current MTFP gap would be brought forward as part of the 'Medium Term Financial Plan and Budget Savings Proposals' report to Executive on 24 November 2020. Following subsequent approval by Council on 16 December 2020, this would then be subject to public consultation (at the same time, Central Government would be working on its Comprehensive Spending Review and LGFS);
- Late December 2020/January 2021 - Budget consultation period, including briefings with political groups; and
- February 2021 - Following the end of the budget consultation period and receipt of the final LGFS, further budget briefings would be held with Executive and political groups. The MTFP would be refreshed and the 2021/2022 budget and associated budget savings and Council Tax level for 2021/2022 set, and included in the budget report to Executive and Full Council.

It was highlighted that, despite the current pandemic, the Council still had a legal responsibility to set a balanced budget within a certain timeframe; there had been no changes to the associated legislation.

Following the presentation, Members were afforded the opportunity to ask questions and the following queries were raised:

- A Member queried whether any job losses were envisaged as part of the budget setting work. In response, it was explained that it was too early to give a clear answer on this; however, it was certainly aspired that compulsory job losses would not be required;
- A Member referred to the replenishment of utilised reserves and requested clarification in respect of this. In response, it was explained that the reserves that had been utilised this year were able to be replenished via the solution that all Councillors had approved in September 2020, which meant that the recommended level of reserves would be met this year. However, if reserves needed to be utilised again next year, the MTFP would need to be reviewed in order to determine potential savings in future years to replenish them again;
- A Member raised a query in relation to government funding, potential additional funding for Middlesbrough, and the use of grants to assist with COVID-19-related expenditure. In response, reference was made to additional funding that had been provided to other Local Authorities further north in the region that had experienced additional restrictions. Funding allocated to them had equated to circa. £2.25 per head, which if provided with the same, would amount to circa. £400,000 for Middlesbrough. In the context of the work that would be required, it was felt that this would be quickly expended. It was indicated that both the Council and Local Government in general were lobbying to try and maximise funding allocations, and acknowledged that Central Government had recognised the response of both Middlesbrough Council and the Local Authority sector to the pandemic. It was felt that the positioning of Local Authorities in responding to local needs was also being recognised by the Government, and that officers would do their utmost to pursue and secure grant funding as far as possible; and
- A Member commented that the safeguarding of services was of the utmost importance for 2021/2022.

The second presentation, delivered by the Director of Legal and Governance Services, focused on the topic of decision-making during COVID-19.

The Board was advised that on 16 March 2020, as part of business continuity planning, the Council had invoked its major incident plan to manage the COVID-19 emergency with the response structure of Bronze, Silver and Gold Command.

On 25 March 2020, the Coronavirus Act 2020 was enacted in order to implement a national lockdown in response to the COVID-19 pandemic. The impact of this on Local Government and local decision-making was that the requirements of the lockdown arrangements caused the cancellation or postponement of all decision-making meetings, which Councils were required to hold face to face. As this could not happen in the immediate response to COVID-19, virtual meetings were gradually introduced from June 2020, following new government regulations relaxing the requirements for meetings to be held face to face.

Reverting back to March, the Board heard that in order to ensure continued timely responses, on 26 March 2020 the Mayor of Middlesbrough delegated authority to the Chief Executive to make Executive decisions of a policy, financial and operational nature. That delegation was reported to the Executive on 16 June 2020 as part of the comprehensive report on response and recovery, and also to Council, as required, on 2 September 2020, which was the first full Council meeting since the outbreak.

Delegated authority was used by the Chief Executive when chairing Gold Command meetings, which were the meetings that managed the COVID-19 response. The delegated authority was broadened in August 2020 to offer greater resilience and allow the Chief Executive to nominate a deputy to make Executive decisions of a policy, financial and operational response to the COVID-19 emergency. As business as usual had resumed, the emergency delegation was only used where a decision was required in a timeframe in which it was not possible to arrange a meeting of the Executive or an Individual Executive.

In terms of reporting, details of decisions taken by the Gold Command had been reported to this Board by the Chief Executive in July 2020 and September 2020 and, as previous, to Executive on 16 June 2020 as part of comprehensive report. The decision-making process utilised during the first wave of COVID-19 was one of a range of factors being reviewed to inform the Council's new Coronavirus plan, which was currently in development. A scheduled internal audit of decision-making would also review decisions made in the first wave, which would be reported to the Corporate Affairs and Audit Committee, and any learning from this would inform our future approach.

Following the presentation, Members were afforded the opportunity to ask questions and the following queries were raised:

- A Member queried the membership of the Gold Command Group. In response, it was explained that this broadly comprised the Corporate Management Team, the Mayor and the Deputy Mayor of Middlesbrough;
- A Member referred to the regular updates received at the start of the pandemic, such as meetings with the leaders of the different political groups, and queried whether these could be reinstated. In response, it was indicated that this would be referred back to the Gold Command Group;
- A Member advised that previous requests for a digest detailing the decisions being taken at Gold Command meetings, to be provided at either meetings of this Board or circulated to all Elected Members, had not yet been responded to, and queried whether this could be achieved. In response, Members were referred to the updates provided previously by the Chief Executive to this Board on 23 July and 3 September (via presentations with a record of the decisions taken at Gold Command meetings in tabular form), and to the report that was considered by Executive on 16 June; and
- A Member referred to the Executive responsibilities delegated to the Chief Executive and raised concerns that operational, financial and policy decisions in respect of COVID-19 could be taken by an unelected individual, and queried whether decisions would be better taken by the Chief Executive in conjunction with the Elected Mayor, to ensure that democratic accountability remained in place. In response, the Board was advised that it was the delegation of the Mayor, and therefore the desirability of decision-making would be his determination. In respect of the Gold Command meetings, it was explained that on the majority of occasions the Mayor had been part of the discussion and had been in consultation with the wider group part of that decision-making process. The Member clarified that the question was being raised in order to ensure the appropriate level of democratic accountability and transparency for local people.

The Chair thanked the Director of Legal and Governance Services and the Director of Finance for their attendance and contributions to the meeting.

AGREED that the information provided be noted, and the agreed action be undertaken.

20/34 **SCRUTINY CHAIRS UPDATE**

The Scrutiny Chairs/Vice Chairs provided verbal/written updates in respect of the work undertaken by their respective panels since the last meeting of the Board.

NOTED

20/35 **DATE OF NEXT MEETING - THURSDAY, 5 NOVEMBER 2020 AT 4:00 P.M.**

The next meeting of the Overview and Scrutiny Board had been scheduled for Thursday, 5 November 2020 at 4:00 p.m.

NOTED

