

<b>Report To:</b>	<b>COUNCIL</b>	<b>Date:</b>	<b>9 JULY 2020</b>
<b>Heading:</b>	<b>COVID-19 RESPONSE AND RECOVERY SCRUTINY PANEL AND POLITICAL BALANCE AND COMMITTEE CHANGES</b>		
<b>Portfolio Holder:</b>	<b>COUNCILLOR JASON ZADRONZY, LEADER OF THE COUNCIL</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>NONE</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

### Purpose of Report

Cabinet recommended the establishment of the COVID-19 Response and Recovery Scrutiny Panel at a meeting held on 30 June 2020. This report sets out the recommendations of Cabinet, rationale, the political balance of the Panel and seeks appropriate nominations to the allocation of places. Furthermore, it seeks approval for the consequential changes to other Panels and Committees.

### Recommendation(s)

#### Cabinet Recommendations to Council, 30 June 2020

- a) The establishment of a new COVID-19 Response and Recovery Scrutiny Panel made up of 7 Members including a Chair and Vice-Chair (to be reviewed at the AGM in May 2021);
- b) The Terms of Reference for the COVID-19 Response and Recovery Scrutiny Panel as set out in the report at Appendix E [Appendix A of the Council report];
- c) To make appointments to the COVID-19 Response and Recovery Scrutiny Panel in accordance with political balance;
- d) To confirm the positions of Chair and Vice-Chair of the COVID-19 Response and Recovery Scrutiny Panel are to receive the same Special Responsibility Allowance as the Scrutiny Panel Chairs and Vice-Chairs (£5,956 and £1,687 respectively), subject to having consulted with the Independent Remuneration Panel.

#### Consequential Political Balance and Committee Addition/Changes

- a) Approve the Membership of the COVID-19 Response and Recovery Scrutiny Panel
- b) Approve the change of Membership to the following Committees;
  1. Planning Committee
  2. Local Plan Working Group
  3. Audit Committee
  4. Scrutiny Panel A
  5. Scrutiny Panel B

## **Reasons for Recommendation(s)**

To comply with the provisions of the Local Government & Housing Act 1989, requiring the Council to allocate seats on its Committees in a politically proportional way.

## **Alternative Options Considered**

No other options are appropriate as the Council has to comply with the need for political proportionality in the distribution of seats on Council Committees

## **Detailed Information**

### **Role of Scrutiny in Recovery**

Scrutiny is a strategic function of the Council, central to corporate governance, and an important part in the decision-making process. It provides Councillors not in decision-making roles with the opportunity to publicly hold to account Cabinet, and to investigate issues of interest and relevance to local people.

As with many of the Council's services, the role and approach of the scrutiny function will need to be appropriately altered alongside the COVID-19 crisis and during the recovery period.

The Centre for Public Scrutiny is a national centre of expertise on governance and scrutiny. As a result of the pandemic it has published a series of guides covering the principal challenges for councils during and following the COVID-19 crisis. The guides are intended to support councillors and officers on managing some of the challenges associated with the COVID-19 crisis.

The guides outline the importance of continued, robust member-led scrutiny during the COVID-19 crisis and sets out an approach to provide that scrutiny in a way that is proportionate and fits within the constrained resources that councils will have at their disposal.

The Centre for Public Scrutiny maintain that scrutiny can play a strong role in the debrief activity in the aftermath of the crisis.

Scrutiny working in partnership with the Council's Audit Committee, will need to be able to:

- Know and understand the Council's method of financial reporting
- Understand how the Council is using financial information to inform decision-making
- Understand how financial information is being used to influence how risk is managed and mitigated

In order to ensure the Council's Scrutiny in relation to COVID-19 is robust and focussed, Cabinet has recommended the establishment of a new COVID-19 Response and Recovery Scrutiny Panel to Council. A draft terms of reference for the Panel is attached as Appendix A for approval by Council. It is suggested that the Panel will review the Council's response to the pandemic and take an active role in respect of the Council's recovery plans as requested by the Cabinet or as agreed by the Overview and Scrutiny Committee as part of the Scrutiny Workplan, including the Council's approach to the reform of local government services, including the future structure of local government in Nottinghamshire. It is recommended that the Panel's continued establishment be reviewed at the AGM in 2021.

It is recommended that the Panel be made up of 7 Members who are appointed in accordance with the requirements of political balance (Section 15 of the Local Government and Housing Act 1989).

The Council is asked to approve Special Responsibility Allowances for the roles of Chair and Vice-Chair which it is expected will be aligned with those of the existing Scrutiny Panels (£5,956 and £1,687 respectively), subject to having consulted with the Independent Remuneration Panel.

### **Consequential Political Balance and Committee Change Implications**

The Council is required by law to ensure that it allocates places on its Committees in a politically proportionate way. It does not apply to the Council's Executive, the Cabinet. The establishment of an additional Scrutiny Panel requires a recalculation of places available on Committees to each Political Group / Independent Member to ensure the additional places available are allocated in accordance with political proportionality.

The COVID-19 Response and Recovery Scrutiny Panel increases the number of places available across Committees to 89. Table 1.1 below sets out the allocation of these places by group.

**Table 1.1 – Number of Places by Group**

<b>Group</b>	<b>Seats on Council</b>	<b>Allocation of the 89 places subject to political proportionality</b>
Ashfield Independents	27	71
Conservative	3	8
Labour	2	5
Non-Aligned	2	5

For clarification purposes, political proportionality has been determined on 34 available seats, the Council will carry 1 vacancy until May 2021, in accordance with the Coronavirus Act 2020 regulations.

**Table 1.2** details the Allocation of Places on Committees by Group

	<b>Ashfield Independents</b>	<b>Conservative</b>	<b>Labour</b>	<b>Non-Aligned</b>
Planning	9	1	1	0
Licensing	9	0	1	1
Standards and Personnel	5	1	0	1
Local Plan Working Group	9	1	1	0
Overview and Scrutiny	6	1	0	0
Scrutiny Panel A	6	0	1	0
Scrutiny Panel B	5	1	0	1
COVID-19 Response and Recovery	5	1	0	1
Chief Officers Employment Committee	6	1	0	0
Charities	5	0	1	1
Audit	6	1	0	0
<b>Total</b>	<b>71</b>	<b>8</b>	<b>5</b>	<b>5</b>

The Independent Remuneration Panel have been consulted in the establishment of the COVID-19 Response and Recovery Scrutiny Panel.

## **Implications**

### **Corporate Plan:**

There are no implications in respect of the Corporate Plan

### **Legal:**

The Local Government & Housing Act 1989 requires local authorities to allocate places on its committees in a politically proportional way.

### **Finance:**

Section 138 Local Government Act 1972 states that where an emergency or disaster involving destruction of or danger to life or property occurs, is imminent or there is reasonable ground for expecting such an emergency or disaster and it is likely to affect the whole or part of the District or its residents, the Council may incur such expenditure as they consider necessary in taking action themselves.

Whilst there is already a Special Responsibility Allowance in place for the category of Scrutiny Chairs and Vice-Chairs, the Independent Remuneration Panel have been consulted on the establishment of the COVID-19 Response and Recovery Scrutiny Panel.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	Subject to the agreement of the IRP, the Special Responsibility Allowance for the proposed Chair and Vice-Chair of the Covid-19 Response and Recovery Scrutiny Panel (£7,643 full year effect) to be funded from the General Reserve.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Should the changes not be made to allocated seats and political proportionality the Council would be contravening The Local Government & Housing Act 1989 (which requires local authorities to allocate places on their committees in a politically proportionate way).	Committee Membership and Political Balance be altered accordingly

**Human Resources:**

There are no Human Resources implications arising from this report.

**Environmental/Sustainability**

There are no Environmental / Sustainability implications arising from this report

**Equalities:**

There are no Equality implications arising from this report.

**Other Implications:**

*None*

**Reason(s) for Urgency**

*None*

**Reason(s) for Exemption**

*None*

**Background Papers**

*None*

**Report Author and Contact Officer**

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## **Appendix A – COVID-19 RESPONSE AND RECOVERY SCRUTINY PANEL TERMS OF REFERENCE**

### TERMS OF REFERENCE

1. Responsibility for the review of the Council's response to the COVID-19 pandemic and taking an active role in respect of the Council's recovery plans as requested by the Executive or as agreed by the Overview and Scrutiny Committee as part of the Scrutiny Workplan, including but not limited to:
  - a) Reviewing the Council's response to COVID 19, and identifying any short term actions arising, which improve operational and corporate resilience.
  - b) Policy development in respect of the Council's recovery from COVID-19, including preparedness for future waves of COVID-19.
  - c) Policy development in respect of the Council's approach to the renewal of the local economy
  - d) Policy development in respect of the renewal and reform of local government services, including the future structure of local government in Nottinghamshire.
2. To report any recommendations or considerations to the Executive in respect of the responsibilities outlined above. 3. The Panel will receive updates in respect of the implementation of the Recovery Action Plan