

Birmingham City Council

City Council

14 July 2020



Subject: Scrutiny Business Report
Report of: Chairs of the Overview & Scrutiny Committees
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Does the report contain confidential or exempt information? Yes No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

1.1 Following on from the first Scrutiny Business Report in February, this report details the response of Scrutiny to the unprecedented COVID-19 crisis – as the Executive Business Report (June 2020) noted, the biggest challenge faced by both the city and the country since the Second World War.

2 Recommendations

2.1 That the report be noted.

3 Response to the Pandemic

3.1 At the time of writing, just under 1,190 people in Birmingham had been lost to Covid-19 and we begin this report by echoing the Executive's deepest condolences to everyone who has lost loved ones as a result of this crisis, and to repeat their appreciation of the hard work, sacrifices made by people over this period. We would like to thank all those, within and beyond the council, who have supported people through this challenging time.

3.2 On 27th March 2020 the Council declared a Major Incident in response to the emerging COVID-19 crisis having previously activated its Emergency Planning and Business Continuity arrangements. This was necessary to deal with the unprecedented pressures brought about by Coronavirus, ensuring Council services were able to continue to support our most vulnerable residents. Prior to that, the Government had announced a "lockdown" meaning neither Members nor officers could access council buildings.

- 3.3 The immediate impact on Scrutiny was that formal meetings had to be cancelled. At that time, legislation required that in order to vote on decisions or recommendations, a Member must physically be present at the meeting, at which the matter is considered. Similarly, in order to be counted towards the quorum of a meeting, a Member must physically be in attendance.
- 3.4 Subsequently, the Coronavirus Act 2020 including provision in relation to local authority meetings and the following regulations allowed meetings to be held remotely using video or telephone conferencing or by other remote means. During March and early April, a project team worked on a technological solution which would allow Members, officers and external participants to join a meeting that could be simultaneously livestreamed.
- 3.5 Following some trial and error, and a successful Full Council meeting on 28th April, formal Scrutiny Committee meetings resumed in May.
- 3.6 Whilst we awaited both the change in the law and the development of a technological solution to the issue of remote meetings, Scrutiny Chairs met and agreed that Scrutiny should focus on matters that are of critical importance to the Council's response to the Covid-19 crisis. It is important to recognise that council Members and officers were and still are focused on the vital work to support our communities at this difficult time. "Business as usual" was on hold across the organisation, and the same was true for Scrutiny.
- 3.7 However, as things slowly start to return to normal, so Scrutiny must ensure its important governance role continues as substantial decisions are being made, both as part of the Coronavirus response and in continuing council business. Whilst we can't yet return to a full programme of monthly meetings, the following are the areas of focus for the coming months.

4 Scrutiny Priorities

Co-ordinating O&S Committee

- 4.1 Members of the Co-ordinating O&S Committee have been scrutinising the Council's response to the Covid-19 pandemic, including financial matters and how decisions are made, both at an informal meeting in April and a formal meeting on 29th May. The Leader attended both meetings.
- 4.2 Concerns were raised about the lack of transparency in decision-making during the emergency. Members emphasised that they were not questioning officer decision making in that time but felt that publication of those decisions could have happened sooner. And it was also noted that Scrutiny had had no role in the decision-making process and there should be more involvement as future decisions are being taken. As an example, concerns were raised about the decision to enact social care easements, which Members had not been informed about. The then Gold Commander provided an explanation which set out the circumstances and reasons for the decision, noting the volume and speed required for such decisions and the unprecedented nature of the emergency, which gave more clarity to Members.

However, Members remain concerned at the length of time it took to publish the decisions.

- 4.3 At their next meeting, Members will follow up on those issues and look at the Council's annual performance report for the last year. They will also re-examine the criteria and process for call-in, to assist committees and the Executive in ensuring these are meaningful and contribute to improvement.
- 4.4 For the future work programme, Members have signalled their intention to undertake a review of the Council's response to the pandemic. This will be a cross-portfolio piece of work, undertaken at the soonest practical point to see what lessons could be learned and to understand the implications for the future.
- 4.5 They will also continue their focus on governance issues, including the matter of decisions being brought to Cabinet late, and then exempt from call-in as a result which was raised at Full Council last month.

Health and Social Care O&S Committee

- 4.6 In response to Covid-19, it was felt essential that the Health and Social Care O&S Committee (HOSC) continued with its schedule of meetings albeit the April meeting being held informally while the capability to livestream meetings was being developed. The Cabinet Member for Health and Social Care has attended every meeting since April and has been praised by all Members of the committee for her candid accounts of challenges faced by adult social care across the city. She set out what the City Council had done in response to the pandemic but, specifically, actions taken within the Adult Social Care Directorate to support the care sector. Furthermore, of considerable interest to members was the outcome of the special Health and Wellbeing Board, chaired by the Cabinet Member, to discuss concerns about the impact of Covid-19 on the Black, Asian and Ethnic minority groups (BAME). The Committee confirmed its intention to pursue this issue further in the context of the wider problem of health inequalities across the City.
- 4.7 The committee also acknowledges the enormous amount of time invested by the Director and Assistant Director of Public Health to ensure that members and the public receive regular up-to-date information on Covid-19. The committee was told of issues faced in obtaining real time local relevant epidemiological data to understand how the outbreak was affecting the city. In response, the committee wrote to the Local Government Association asking for their concerns to be raised with central government. More recently, the committee was briefed on the emerging model of 'Test and Trace' and how it will be implemented in Birmingham.
- 4.8 One particular issue that caused considerable cross-party concern was the decision taken under the Emergency Plan command structure to enact Care Act duties under 'level 3' provisions within the Coronavirus Act 2020. Members questioned the openness and transparency of the decision and, ultimately, raised the matter with the Interim Chief Executive, seeking reassurance that matters would be handled in a more open and transparent way should similar circumstances arise in future.

- 4.9 The committee has also received representation from the West Midlands Care Association who appraised members of the work between the independent care sector and the City Council to support the health of their residents but also the sustainability of some care homes post Covid-19.
- 4.10 Members have also heard how Healthwatch Birmingham has been instrumental in communicating with the citizens of Birmingham through information and signposting. A survey was conducted to hear the experiences of local people around Covid-19 and the effect of the lockdown restrictions in order to gain a better understanding of services that are needed to support them.
- 4.11 On 11th June, there was also a **Birmingham/Solihull Joint Health Overview & Scrutiny Committee** (JHOSC) where Members were told about the Birmingham and Solihull Sustainability Transformation Partnership Restoration and Recovery Plan of health services for Birmingham (including West Birmingham) and Solihull, providing details of necessary temporary services changes that had been put into effect to deal with Covid-19. Members understood that temporary service changes had needed to be introduced without statutory consultation, but reasserted that these changes could not be made permanent unless a full consultation, including with the JHOSC, was properly conducted.
- 4.12 An emerging concern, and a topic for further consideration, which was highlighted at both HOSC and JHOSC, is the inevitable impact on the mental health of society as a result of social isolation and the economic impact of job losses due to the pandemic and how, as a city, we respond to the challenges that that brings.
- 4.13 One overriding fact that has been highlighted is how a coordinated response from the health and social care system city-wide worked at pace to react to the pandemic and provide help and support to the people of Birmingham.

Resources O&S Committee

- 4.14 The Resources O&S Committee met on the 18th June to review the Financial Outturn report from last year (formally agreed by Cabinet on 23rd June) and were able to feedback key points to Cabinet Members ahead of the Cabinet meeting, to assist them in their deliberations. On the whole, Members agreed that the outturn report was encouraging, although there were variations across the directorates. Key points related to the adult social care underspend in packages of care (which was referred to the Health and Social Care O&S Committee for consideration of service implications); ensuing transparency in use of policy contingency monies and ensuring information in the report was clear. Following on from this, future meetings will look at InReach, so Members have a full understanding of the finances there; and also specific issues in the Neighbourhoods Directorate.
- 4.15 The outturn report from the Children's Trust was also considered, with Committee Members particularly concerned to be assured that both the Council and Trust had a full understanding of the performance issues and the contract budget being realistic for the demands on the service.

4.16 The committee also considered the financial implications of the Covid-19 pandemic with the Cabinet Member for Finance and Resources and congratulated the Interim Chief Finance Officer on a good, clearly understandable, report. These are issues that will continue to be monitored by the Committee.

Housing and Neighbourhoods O&S Committee

4.17 The immediate focus of the Housing and Neighbourhoods O&S committee has been on the response to the pandemic in key areas. Members received a briefing from Cllr Sharon Thompson, Cabinet Member for Homes and Neighbourhoods on the work around homelessness in particular.

4.18 At their meeting on 25th June, Members considered the impact of the pandemic on parks with Cllr John O'Shea, Cabinet Member for Street Scene and Parks; along with further updates on housing and homelessness, and the registry and bereavement services. Members were keen to recognise the valuable work of officers in these areas and have written to thank each of the teams for their efforts at this very challenging time.

4.19 Members also agreed to continue their work on fly-tipping as this has continued to spike over recent months and will hold an evidence gathering session in July, focusing on how the city can reduce fly-tipping in the future. The Committee would welcome any evidence from Members from their experience of fly-tipping in their wards.

4.20 In future meetings, the Committee will be looking at community safety, Public Space Protection Orders and some more detailed work later in the year looking into housing in tower blocks, from a safety, environmental and engagement point of view.

Commonwealth Games, Culture & Physical Activity

4.21 The Committee held a committee meeting on 8th June 2020 to examine the challenges presented by the impact of COVID-19 on the Birmingham Commonwealth Games 2022 preparations. The Leader, Cllr Ian Ward, attended supported by Craig Cooper the Commonwealth Games Programme Director. Members were assured that, although some contingency funding had been used for the stadium and aquatic centre because of additional costs incurred due to delays caused by the impact of COVID-19, there had been no drastic changes to the plans to deliver the Games. The Council continue to work with partners to deliver the Games in 2022 and on budget and also to deliver the long-term benefits and legacy to the city and the wider region. In response to a request from Members, Craig Cooper undertook to provide details of the Community Champion Programme and this information has since been sent to Members.

4.22 The Cabinet Member for Transport & Environment Cllr Waseem Zaffar also attended the meeting, supported by Alison Kennedy, Principal Transport Policy Officer, to provide an update about a variety of initiatives planned or already underway to facilitate more sustainable ways of travel in the city to encourage and

facilitate more people to walk and cycle in Birmingham. Cllr Zaffar referred to the launch of the £1million Emergency Active Travel Fund which with matched funding brings the total to £1.6 million, which has been allocated to Birmingham and was announced on the same day as the committee meeting.

- 4.23 A separate informal meeting of Members will take place in July, to give them an opportunity to discuss how best to take the work of the committee forward. In particular it was recognised that the work already started on involving and engaging Birmingham's diverse communities in the Games will now be more of a challenge to complete in the wake of the COVID-19 pandemic and that the committee will need to seek new and innovative ways to complete the work.

Sustainability and Transport

- 4.24 The impact of Covid-19 on public transport and roads and footpaths was the key item of discussion when the Sustainability and Transport O&S Committee met on 27th May. The Cabinet Member for Transport & Environment was in attendance to discuss the proposals featured in the Emergency Birmingham Transport Plan – the city's strategic response to how people can start to move around safely following easing of lockdown measures. Members heard about the priority for greener and more sustainable way for travelling (with support from government funding due to be announced) including walking and cycling being prioritised in local areas by repurposing space. The Committee will continue to keep an eye on the development of proposals as they come on-stream with a further update planned in July.
- 4.25 The Committee also heard from West Midlands Trains and Transport for West Midlands on plans to keep commuters safe on journeys by train and bus. They told Members that they are continuously monitoring passenger levels to ensure the safety of commuters and have put in place measures to allow people to observe social distancing at train stations, trains, bus stops and buses including signage on vehicles, public service announcements at stations and safety markings at bus stops to reinforce the correct behaviour. Operators are also encouraging passengers to use online ticketing and contactless payments on their services and have plans in place to deal with increasing passenger numbers as lockdown eases.
- 4.26 Operators are also working closely with partners including Transport for West Midlands to ensure a unified approach to communications across the region using a variety of press and media to help people travel safely.
- 4.27 At their next meeting on 8th July, the Committee will pick up on items previously postponed including an update on the Highways PFI project since Kier became the delivery partner on 1st April. Updates are also planned on the re-design of the Local Engineering Service and progress made on the Council's commitments to Climate Change. The Committee will also continue to keep an eye on the progress of proposals identified as part of the Emergency Transport Plan.
- 4.28 The Chair has also been involved in cross-party meetings on the future of the Tyseley Energy from Waste plant, along with the Chair of Resources, challenging

the Executive on the future plans to ensure any decisions are in line with the climate change declaration, agreed by Full Council.

Economy & Skills

- 4.29 The Economy & Skills O&S Committee met informally in April to identify priority areas for discussion in relation to the impact of the pandemic on the various business sectors in the city and what support was being offered, in particular to Small to Medium size Enterprises.
- 4.30 The Committee then met on 4th June to discuss these areas in greater detail with the Leader and officers, and information was shared on work with partners and stakeholders to support businesses including grants and other measures being provided and sought such as the implementation of socially distancing measures on footpaths to support local high streets to open up again safely. Stakeholders including Greater Birmingham and Solihull Local Enterprise Partnership and the Chamber of Commerce also provided information on the impact of Covid-19 on businesses in the city.
- 4.31 Members also questioned the impact on the Council's finances and reserves and plans for the economic recovery of the city.
- 4.32 At their next meeting on 22nd July Members will be discussing the support to businesses and the economic recovery in greater detail with stakeholders including the Chamber of Commerce.

Education & Children's Social Care

- 4.33 The Chair of the Scrutiny Committee Cllr Kath Scott has been very active in maintaining contact with and providing support for the work being done in response to the COVID-19 pandemic especially around key issues such as how to improve the online learning offer, IT access for children with Special Educational Needs (SEND), supporting children in transition and Travel Assist preparations for September.
- 4.34 This has been done through regular meetings with a range of individuals and groups including with the Cabinet Member, relevant senior officers, the SEND team, the Parent Carer Forum and the Special Educational Needs Assessment and Review Service (SENAR). A working group is being established on the response to COVID-19 on which the Chair has been invited to be a member.
- 4.35 At an informal meeting of the Committee on 18th June this information was shared with Members and an opportunity provided for them to raise their priority issues and to have a discussion about the future work programme for the committee. This will be followed by a formal committee meeting during July which will focus on the Home to School Transport Service. Members will look at the implementation of the new Dynamic Purchasing System and the timescale for it going live and will hear about what is happening with the current service and how we are ensuring that we continue to run a high quality service concurrently with planning for the future of the service.

5 A Framework for Scrutiny

- 5.1 Alongside the Committee work, work on the future of scrutiny in Birmingham continues. As noted in our February report, Scrutiny Chairs had agreed to take forward the development and implementation of a Scrutiny Strategic Framework, to set out the role and purpose of scrutiny, to build understanding across the wider council of how scrutiny can benefit the Council and to set out consistent standards by which this could be achieved. This framework will be a co-production between the Executive and Scrutiny and will have cross-party involvement; such an approach would signal the extent to which a strong cultural commitment to scrutiny is owned by the council's leadership.
- 5.2 A first session was held at the end of February, with Cabinet Members, Scrutiny Chairs and Senior Officers to consider what the framework should cover and to discuss some of the key areas. Following that, a smaller working group will meet to develop the framework and to consult with Members.

Work will re-commence on a review to look at structures and remits, and whether these need amending to best support the new framework, and to address matters such as low attendance at some committee meetings.