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To: Councillor Laing, Convener; Councillor Lumsden, Vice Convener; and Councillors Boulton, Jackie Dunbar, Grant, Houghton, McRae, Alex Nicoll and Yuill.

Town House,
ABERDEEN 23 December 2020

URGENT BUSINESS COMMITTEE

The Members of the **URGENT BUSINESS COMMITTEE** are requested to meet remotely on **WEDNESDAY, 23 DECEMBER 2020 at 11.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and available on the Committee page on the website.

BUSINESS

DETERMINATION OF URGENT BUSINESS

- 1 Determination of Urgent Business

DECLARATIONS OF INTEREST

- 2 Members are requested to intimate any declarations of interest (Pages 3 - 4)

BUSINESS

- 3 Covid-19 - Move to Level 4 - COM/20/246 (Pages 5 - 12)

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DECLARATIONS OF INTEREST

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

ABERDEEN CITY COUNCIL

COMMITTEE	Urgent Business Committee
DATE	23 December 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Covid-19 – Move to Level 4
REPORT NUMBER	COM/20/246
CHIEF OFFICERS	Martin Murchie & Fraser Bell
REPORT AUTHORS	Martin Murchie & Fraser Bell
TERMS OF REFERENCE	1

1. PURPOSE OF REPORT

- 1.1 To seek approval of proposed actions ahead of Aberdeen moving into Level 4 of the Scottish Government's Strategic Framework for suppressing Covid-19.

2. RECOMMENDATION(S)

That Committee:

- 2.1 Approves the proposed actions set out in Appendix 1;
- 2.2 Instructs the Chief Education Officer to make a request to the Scottish Government for an additional closure day for all Aberdeen City Council schools on 5 January 2021;
- 2.3 Agrees that, during the period of 23 December 2020 to 5 January 2021 inclusive, the Covid-19 Duty Emergency Response Coordinators (DERCs) should take any action necessary in terms of General Delegation 37 to Chief Officers as set out in the Powers Delegated to Officers, to ensure compliance with the law and guidance with such decisions, where possible, being taken following consultation with the co-leaders, relevant convener and relevant vice-convener; and
- 2.4 Notes that any said action taken by a Covid-19 DERC in terms of recommendation 2.3 will be reported to the meeting of City Growth and Resources Committee on 3 February 2021.

3. BACKGROUND

Move to Level 4

3.1 Aberdeen City is currently in Level 3 of the [Scottish Government's Strategic Framework](#). On Saturday 19 December 2020, the Scottish Government confirmed that all mainland local authority areas of Scotland will move to Level 4 from 26 December 2020. It is anticipated that the Scottish Government will review the restrictions on or around 18 January 2021.

Proposed Actions

3.2 On 21 December 2020, the Council's Covid-19 Incident Management Team was activated to consider the announced change in the city's status from Level 3 to Level 4 with effect from 26 December 2020. Officers have reviewed the impact of [Level 4 restrictions](#) on the Council's operations. Officers have identified services which require to be stood down or partially stood down and these are set out in Appendix 1. It is recommended that the committee approve the proposals set out in Appendix 1. The Council's website has also been updated to reflect the move to Level 4 on 26 December 2020 to try and ensure that customers have the most up to date information.

Additional Closure Day for Schools

3.3 On 21 December 2020, the Scottish Government published additional [guidance](#) for school re-opening arrangements for January 2021. The guidance notes that schools should reopen in line with previously agreed term dates (starting from Tuesday 5 January 2021) with a phased return. Initially attendance in schools would be restricted to:

- vulnerable children and children of key workers only; and
- all staff who, in the judgement of the local authority and schools, are required to attend in person to give effect to these revised school reopening arrangements.

3.4 However, the guidance also allows local authorities to request an exceptional closure for the first day of return after the festive break (5 January 2021) where it is strictly necessary to allow planning to take place for the safe return of vulnerable children and children of key workers. It is recommended that the Council makes this request to the Scottish Government in order to:

- enable school staff to update risk assessments in light of Level 4 control measures with Trade Union representatives;
- establish key childcare and vulnerable learner provision including consideration of staffing; and
- refresh risk assessments for staff advised to shield.

Further Actions

- 3.5 It is anticipated that further laws and guidance will be developed by the Scottish and UK Governments over the coming days and weeks. This will be monitored by the Covid-19 DERCs for the festive period (Chief Officer – Governance and Chief Officer – Data & Insights). This may have an impact on the decisions of the committee today and may also require further action to be taken by the Council to ensure that it continues to comply with law and guidance. Such action may fall outwith the delegations to Chief Officers set out in the Powers Delegated to Officers.
- 3.6 It is proposed that where any further action is required during the festive period (23 December to 5 January 2021 inclusive) to ensure compliance with law and guidance, and such action does not fall within an existing delegation to a Chief Officer, that such action be determined by the Covid-19 DERCs in accordance with General Delegation 37 to Chief Officers in the Powers Delegated to Officers. Any action taken by the Covid-19 DERCs during this period would be formally reported to the meeting of the City Growth and Resources Committee on 3 February 2021. General Delegation 37 is appended in Appendix 2 to this report. Where possible, all proposed decisions to be taken by the Covid-19 DERC during this period will follow consultation with the co-leaders and the relevant convener and vice convener.

4. FINANCIAL IMPLICATIONS

- 4.1 The proposed changes in service as presented in Appendix 1 are modest in comparison to the full range of Council services. The implications for expenditure are that there may be a range of savings from consumables, goods, services and travel costs, with staff costs continuing to be met in full. These savings will contribute to any further loss of income that may be experienced.
- 4.2 No additional funding has been announced for local authorities in relation to this change.
- 4.3 It is too early to forecast the specific implications from standing down services and making changes to education, however where detail can be identified it will be included in the Quarter 3 financial performance report, which will be presented to the City Growth and Resources Committee on 3 February 2021.

5. LEGAL IMPLICATIONS

- 5.1 The proposed actions set out in Appendix 1 are designed to ensure that the Council complies with law and guidance published by the UK and Scottish Governments. Further legislation and guidance are anticipated, and further action may be required to ensure that the Council remains compliant with its obligations.

6. MANAGEMENT OF RISK

- 6.1 The recommendations set out below are designed to protect the health and wellbeing of members, staff and customers as well as ensure compliance with relevant legislation and guidance.

7. OUTCOMES

- 7.1 The proposed actions do not intend to have a direct impact on the delivery of the city's long term strategic outcomes.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required.
Data Protection Impact Assessment	Not required.

9. BACKGROUND PAPERS

- 9.1 None.

10. APPENDICES

Appendix 1: Proposed Actions

Appendix 2: Delegation to DERs (extract from Powers Delegated to Officers)

11. REPORT AUTHOR CONTACT DETAILS

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Appendix 1 Proposed Actions

Impact on Council Services of Level 4 Covid-19 Restrictions

A review of all Council services has been undertaken to ensure that Level 4 restrictions are fully complied with. **Services which officers have identified as requiring to be fully or partially stood down are listed in the table below.**

Extracts from parts of the guidance related to the delivery of Public Services is noted below for ease:

“Public Services will be delivered online where possible. Face-to-face services can continue where this is essential.

All public sector buildings such as libraries will be closed, however, library click and collect services may still operate in Level 4. Community centres can continue to operate for the delivery of essential services only, such as emergency shelter, medical services or meals for the homeless. Courts and Tribunals will remain open.

Support services, such as peer support groups, therapy groups, day centres, respite care, one to one therapy and counselling, can operate face to face, where they are essential for people’s wellbeing and remote delivery is not possible.

Tradespeople Home Repairs and Working in someone else’s homes.

Tradespeople should only go into a house in a level 4 area to carry out or deliver essential work or services, for example:

- *to carry out utility (electricity, gas, water, telephone, broadband) safety checks, repairs, maintenance and installations*
- *to carry out repairs and maintenance that would otherwise threaten the household’s health and safety.”*

	Service Area		Proposal
Community and Learning Centres	Youth Work/ Adult learning/healthy minds Community centres.	Partially Stand Down	Centres will be available for key Support Services where these cannot be delivered remotely and to assist in the distribution of food otherwise they will remain closed.
Community Safety and ASBIT	Anti Social Behaviour Investigation Team (ASBIT) / Priority Families – Community safety and crime issues	Partially Stand Down	Remote working for ASBIT to continue. Face to face site visits not to be re-instated whilst in Level 4.
Libraries & Information Services	Public Buildings - Libraries	Partially Stand Down	Library services will be limited to click and collect as per guidance. Libraries which assist with food distribution will remain open for this purpose.

Building Services	Property Maintenance and Repair.	Partially Stand Down	All repairs to external and communal areas to continue including statutory, cyclical and voids works. All non emergency works within tenants' homes to be stood down.
Galleries, Museums, Archives and Events	Cultural Facilities	Stand Down	In accordance with public building and indoor visitor attraction guidance it is proposed that the Gallery will close on 24 th December and remain closed whilst in Level 4.
City Events	Event delivery, management of external events/discharging duties as Landowner & contract management	Stand Down	Service to stand down whilst in Level 4.
Facilities Management	(School Crossing Patrol)	Stand Down	Stand service down until such time as children return to full time in-school learning.
Outdoor and playing Field lets	Outdoor sports are only allowed in accordance with guidance of governing body.	Stand Down	All outdoor lets to be cancelled whilst in Level 4 is consistent with Education recovery Plan.
Informal childcare	Rosemount CC Playgroup	Stand down	Only essential regulated childcare is permitted in Level 4.
Asset Management - property inspections	Public Services	Partial stand down	Any inspections that involve visiting a person's home including energy assessments and Council House buy-backs will be stood down whilst in Level 4.
Legal properties – Town House	Public Buildings	Stand Down	Title deeds will be purchased from third parties instead. The cost is likely to be minimal and to be met within existing budgets (£16+VAT per title deed, £3+VAT for a search of the Land Register and £6+VAT for a search of the Register of Sasines).
Building Standards	Statutory Provision	Partially Stand Down	Inspection visits to domestic properties are not permitted in Level 4 and will be suspended.

Marischal College and Town House	Public Buildings	Partially stood down.	Town House to remain closed other than around committee meetings deemed to be essential. Marischal College Customer Services Centre to remain on restricted opening for essential services. All are advised to work from home where it is possible to do so.
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Arm's Length External Organisations (ALEOs)

For information, details of the status of the Council's ALEOs is given below:

Sport Aberdeen. All facilities, excluding the golf courses, will close on 23 December 2020 until the 5 January 2021 where Sport Aberdeen intend, under the current guidance, to allow outdoor tennis and the use of the 3G pitches subject to restart. This will be subject to the restrictions placed upon these activities and controls required to manage them.

Aberdeen Sports Village. All services and facilities will close from 24th December for 4 weeks.

Aberdeen Performing Arts. All facilities are closed until 31st March, 2021, at the earliest.

Bon Accord Care. Services will continue to be delivered following all appropriate guidance.

Appendix 2

Delegation to Duty Emergency Response Coordinators

“When acting as Duty Emergency Response Coordinator (DERC):

to take, or arrange for the taking of, any action on behalf of the Council which s/he considers necessary in the event of:

- an emergency (as “emergency” is defined in the Civil Contingencies Act 2004); and/or
- any incident or situation that requires the implementation of special arrangements in order to:
 - a. maintain statutory services at an appropriate level;
 - b. support the emergency services and other organisations involved in the immediate response;
 - c. provide support services for the community and others affected by the incident;
 - d. Enable the community to recover and return to normality as quickly as possible; and/or
 - e. provide aid to other local authorities,
- with any such action being reported to a future meeting of the Council or relevant committee or sub committee as an item on the agenda; and
- to implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.”