

ABERDEEN CITY COUNCIL

COMMITTEE	Urgent Business
DATE	20 March 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Covid-19 Pandemic - Governance Arrangements
REPORT NUMBER	GOV/20/076
CHIEF OFFICER	Fraser Bell, Chief Officer - Governance
REPORT AUTHOR	Allison Swanson
TERMS OF REFERENCE	1

1. PURPOSE OF REPORT

- 1.1 To present recommendations to facilitate and enable decision-making in light of the Covid-19 pandemic and UK and Scottish Government advice for people to restrict social contact.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 agrees that all Full Council, Committee, Sub-Committee and Working Group meetings be cancelled from 23 March to 21 August 2020 (inclusive), with the exception of:-
- Planning Development Management Committee;
 - Appointments Panel; and
 - the Sub-Committees listed in recommendations 2.4 and 2.5 below;
- 2.2 agrees that Urgent Business Committee meetings be arranged between 23 March and 21 August 2020, as required, to determine business of an urgent nature which may otherwise have been reported to Full Council, other Committee or Sub-Committee meetings;
- 2.3 revises the membership of the Urgent Business Committee from 9 members to 5 members, consisting of each Group Leader;
- 2.4 appoints a Convener to the Appeals Sub-Committee and confirms the membership number for the Sub-Committee as 5 members with a quorum of 3,

noting that the pool of Members will be drawn from the membership of the Staff Governance Committee on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.5 in respect of the following Sub-Committees: (1) appoints a Convener; (2) confirms the membership number for each as 5; and (3) sets a composition and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required:-

2.5.1 Business Rates Appeals;

2.5.2 Community Asset Transfer; and

2.5.3 Licensing;

2.6 approves a new temporary Standing Order 16 with immediate effect (with the existing Standing Order 16 becoming Standing Order 17 and so on) as contained within paragraph 4.1 of the report, and instructs the Chief Officer - Governance to make the relevant amendments to Standing Orders as a result of this change, and agrees that the temporary Standing Order be reviewed by the Urgent Business Committee in accordance with recommendation 2.8 below;

2.7 agrees to amend the Powers Delegated to Officers - General Delegations to Chief Officers 33 (regarding Duty Emergency Response Coordinator), and Chief Executive 1 (regarding emergencies etc) - and approve an additional General Delegation to Chief Officers, all as outlined within paragraph 5.2 of the report with immediate effect; and

2.8 notes that the Urgent Business Committee will review whether Full Council, Committee, Sub-Committee and Working Group meetings should proceed from 24 August 2020 and delegates authority to the Chief Officer – Governance to determine any necessary arrangements.

3. BACKGROUND

3.1 The Council's current governance arrangements provide for the Council to respond and make decisions during emergency or urgent situations to reduce disruption to business. The recommendations set out above are designed to streamline the Council's decision-making structure. This will better enable staff and Members to adhere to the UK and Scottish Government's guidance and support the operational response to the Covid-19 pandemic whilst allow business of an urgent nature to be determined. Given the dynamic situation, the governance arrangements will be kept under active review. Further proposals may need to be brought to the Members as the situation escalates or de-escalates.

3.2 Additional precautions to take account of government guidance will be put in place for any meetings that continue for example:

- The number of officers in attendance will be minimised;
- Efforts will be made to allow for social distancing within meeting rooms;

- Members will be encouraged to avoid physical contact with each other, officers, and members of the press/public;
- The Scottish Government advice with regard to basic hygiene precautions will be promoted;
- Hand sanitisers will be provided at the entrance/exit of committee rooms and members will be encouraged to use these; and
- Members who are unwell or who are self-isolating may organise a substitute where possible.

4. Proposed New Standing Order 16

- 4.1 At present the Council's Standing Orders do not make provision for Members to participate in meetings remotely - however this is permitted by legislation and may be advantageous during the current pandemic. Therefore, a new temporary Standing Order 16 is proposed below which would facilitate remote attendance and this would reduce risks to Members (and officers) further.

16. Remote Attendance

- 16.1 Subject to the Member notifying the Clerk at least 2 hours (or, if this is not possible, as soon as practicable) in advance of the meeting and availability of suitable facilities, the Convener (whom failing, the Vice Convener) may direct that any Member who is unable to attend, or cannot reasonably be expected to attend, a meeting in person may participate from a remote location by video or other communication link. For the avoidance of any doubt, such participation includes voting. A Member remotely participating in this way is referred to in this Standing Order as a "Remote Member".
- 16.2 Where the Convener is participating remotely, the Vice Convener will take the Chair, except in respect of Standing Order 16.7 where the Convener will take the Chair.
- 16.2.1 The Member chairing the meeting must be physically present at the meeting venue, therefore where both the Convener and Vice Convener are participating remotely or have sent apologies, Members present at the meeting venue will appoint a Convener to chair the meeting from amongst their number.
- 16.2.2 In the event that no agreement is reached between those Members present, the decision will be taken by means of a procedural motion.
- 16.3 Remote Members will be counted for the purposes of determining whether there is a quorum.
- 16.4 A Remote Member will cast their vote as if participating in a roll call vote.
- 16.5 Any Remote Member who has declared an interest in an item and withdrawn must pause/exit the video/communication link whilst the item is being considered. The Clerk will inform/re-invite the Remote

Member (whether by email or otherwise) when to re-start the link and resume their participation.

- 16.6 Any Remote Member must confirm that they are in a secure private location, and that no-one else is able to hear or view the proceedings from the device being used by that Remote Member, before they can participate in the Committee's consideration of any confidential and/or exempt item of business.
- 16.7 In exceptional circumstances, the Convener (whom failing, the Vice Convener) may direct that a meeting shall be conducted solely by means of the participation of Remote Members. Such a direction may be made during a meeting or otherwise.

5. Proposed Amendments to Powers Delegated to Officers

- 5.1 As members will be aware, changes to the Powers Delegated to Officers were approved by Council on 2 March 2020, however one additional general delegation is proposed specific to quasi-judicial matters to enable the relevant Chief Officer, following consultation with the relevant Convener, to make decisions in an urgent situation/emergency without reference to Council or Committee.
- 5.2 Amendments to the current General Delegation to Chief Officers 33, and Chief Executive 1 are also set out below. These are minor and aim to ensure clarity and consistency with the Civil Contingencies Act 2004.

New General Delegation to Chief Officers

Following consultation with the relevant Convener and the Chief Executive, to authorise the Chief Officer – Early Intervention and Community Empowerment, Chief Officer – Governance and Chief Officer – Strategic Place Planning to determine any matter on behalf of Licensing Committee, Licensing Sub-Committee or Planning Development Management Committee in exceptional circumstances. Any such action to be notified to members of the relevant committee or sub-committee.

Amendment to General Delegation to Chief Officers 33

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:
 - maintain statutory services at an appropriate level;
 - support the emergency services and other organisations involved in the immediate response;

- o provide support services for the community and others affected by the incident;
 - o enable the community to recover and return to normality as quickly as possible; and/or
 - o 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.

Amendment to Chief Executive 1

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:
 - o maintain statutory services at an appropriate level;
 - o support the emergency services and other organisations involved in the immediate response;
 - o provide support services for the community and others affected by the incident;
 - o enable the community to recover and return to normality as quickly as possible; and/or
 - o 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.

6. Other Meetings

- 6.1 The Council’s Local Review Body and the School Placings and Exclusions Appeal Committee will continue to meet as required in order to comply with statutory responsibilities.
- 6.2 The Aberdeen City Region Deal Joint Committee and the Northern Roads Collaboration Joint Committee are part of the Council’s Committee structure, however as Joint Committees they have their own arrangements and as such these will be looked at separately by the relevant local authorities.
- 6.3 The Licensing Board and the Integration Joint Board (and its sub committees) are separate to the Council’s committee structure, however both Boards will be considering their respective meeting arrangements in due course to reflect the current circumstances.

7. FINANCIAL IMPLICATIONS

- 7.1 Approving the recommendations in this report will have no direct financial implications.

8. LEGAL IMPLICATIONS

- 8.1 Under section 56 of the Local Government (Scotland) Act 1973, the Council may arrange for the discharge of any of its functions, subject to some exceptions, by committees or sub committees. These arrangements are set out in the Committee Terms of Reference. Section 56 also provides that the Council may arrange for the discharge of any of its functions, subject to some exceptions, by officers of the Council. These delegations are contained in the Powers Delegated to Officers. Section 62 of that Act empowers the Council to make, vary or revoke standing orders for meetings of Council, committees and sub committees. Amendment of the Powers Delegated to Officers and Standing Orders is proposed in response to the circumstances outlined in this report.

9. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	No direct financial risks	L	
Legal	Failure to streamline governance arrangements as proposed may result in delayed action and decision-making, thereby causing the Council to be in breach of its legal obligations	L	Approval of the recommendations will enhance the Council's ability to respond promptly to situations as they arise and reduce the risk of breach of legal obligations.
Employee	Failure to make changes, or put in place adequate measures, would put an increased number of employees (and Members) at risk.	M	Approval of the recommendations will reduce the number of meetings and minimise the number of officers (and Members) who have to attend meetings. It will better enable employees to adhere to government advice.
Customer	Customers will expect the Council to lead by example in relation to the pandemic.	L	Approval of the recommendations will streamline the Council's decision making process during this unprecedented situation and allow for

			business critical decisions to continue.
Environment	No direct risk	L	
Technology	Risk of Members/ officers being unable to attend meetings remotely using video technology	M	Guidance being developed and colleagues in Digital and Technology are fully involved. If there are technological difficulties, Members/officers can attend remotely via telephone.
Reputational	Failure to make the necessary changes in the face of such a high profile situation could present a reputational risk to the Council.	M	The recommended proposals have been developed in accordance with UK and Scottish Government guidance.

10. OUTCOMES

The proposals in this report have no direct impact on the LOIP.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The Council's customers will expect the Council to demonstrate leadership at this challenging time and the report seeks to provide a proportionate response to the current circumstances.
Governance	This report is concerned with streamlining the Council's decision making structure in light of the pandemic and adhering to Government guidance.
Partnerships and Alliances	The proposals contained within report should strengthen arrangements during this unprecedented time.

11. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

12. BACKGROUND PAPERS

None

13. APPENDICES

None

14. REPORT AUTHOR CONTACT DETAILS

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