

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	City Growth and Resources
<b>DATE</b>	3 February 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Covid-19 Response Actions
<b>REPORT NUMBER</b>	COM/21/018
<b>CHIEF EXECUTIVE</b>	Angela Scott
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Fraser Bell
<b>TERMS OF REFERENCE</b>	1.1

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### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to bring before the committee the actions taken in response to the COVID-19 pandemic, as required under the approved General Delegation to Chief Officers acting as Duty Emergency Response Coordinator.

### **2. RECOMMENDATION(S)**

That the Committee:

- 2.1 approves of the actions taken in response to the COVID-19 pandemic as set out in Appendix 1;
- 2.2 notes all actions taken by officers to ensure compliance with the law and relevant government guidance was taken in accordance with the Council's approved Scheme of Governance, approved Generic Emergency Plan and decisions of the Urgent Business Committee;
- 2.3 notes that the impact of Covid-19 on the Council, and the Council's response to the impact, is being reviewed as part of the Best Value Audit of Aberdeen City Council and that Audit Scotland has advised external auditors to continue to consider all councils' arrangements for financial sustainability in light of Covid-19;
- 2.4 notes that the financial implications in response to the COVID-19 pandemic remain uncertain as guidance, levels, restrictions, and obligations placed on the Council frequently change; and
- 2.5 notes that the Committee agenda today has the Q3 financial monitoring report that provides an update on the distribution of the Income Loss Scheme and the latest financial forecasts for the year.

### **3. BACKGROUND**

#### **Context**

- 3.1 On 4 December 2019, the Public Protection Committee approved a Generic Emergency Plan, establishing a three-tier emergency response structure to support the Council in meeting its obligations. This Plan provided the Council with the tools necessary to respond to the needs of any incident or emergency, regardless of the level of escalation required or disruption caused. It also facilitated the delivery of critical services, as well as compliance with statutory requirements, during an incident.
- 3.2 The Council has been responding to the global COVID-19 pandemic since early March 2020. On 16 March 2020, the Chief Executive established strategic and tactical structures to respond to the development of the Covid-19 pandemic and to manage its impact on the Council's resources. The structures followed the principles of the Council's approved Generic Emergency Plan.
- 3.3 The Urgent Business Committee met on 20 March 2020 and received an update from the Chief Executive on the arrangements put in place both within the Council and across the Grampian Local Resilience Partnership (LRP) to manage the implications of the pandemic.
- 3.4 The Urgent Business Committee on that date also considered a report by the Chief Officer - Governance. The Committee agreed several measures to facilitate decision making in the context of the COVID-19 pandemic and the UK and Scottish Government advice for people to restrict social contact. The changes included cancelling, with exceptions, Full Council, Committee and Sub-Committee meetings between 23 March 2020 and 21 August 2020. The UBC also agreed to update Standing Orders and update the emergency powers of the Chief Executive and Duty Emergency Response Coordinators (DERCs). This better enabled the Council to comply with UK and Scottish Government guidance and legislation. It also helped to support the efficient operational response to the impacts of the pandemic ensuring the safety and wellbeing of staff and customers.

#### **Committee Meetings**

- 3.5 The reduced number of committee meetings provided the organisation with the necessary capacity to take the action required to prioritise the health and wellbeing of the public. Required actions of an urgent nature relating to the council's response to Covid-19 were made by the DERC through the council's Incident Management Team. The Team initially met several times a day, then daily until settling to a rhythm of two meetings per week. Where officers did not have the necessary delegations for other business that required urgent attention, reports were brought to meetings of the Urgent Business Committee.
- 3.6 In place of ordinary committee meetings, the Urgent Business Committee met three times between March and June. During this period, the Urgent Business

Committee monitored the impact of the pandemic and made decisions to mitigate any detriment caused by the virus on the organisation and the city.

- 3.7 Ordinary committee meetings resumed in August following the summer recess. With the response moving into the Recovery Stage, the emergency response structures established in March were stood down to coincide with the resumption of the ordinary committees of the Council. Business is now routinely reported to committees as per the Council's Terms of Reference. This includes the Public Protection Committee which on 7 October 2020 considered multiple reports on how the Council responded and continues to respond to the impact of COVID-19. These included updates on the Council's approach to the protection of vulnerable children, the work of protective services and the application of civil contingencies legislation.

### **National Picture – Committee Meetings**

- 3.8 The Improvement Service carried out an analysis of the political governance arrangements put in place in Scottish Councils in response to the Coronavirus pandemic. The analysis included the following findings:
- 3.8.1 All 32 local authorities in Scotland had put in place provision for remote meetings of committees and council, with 5 of the 32 making provision for a hybrid' of physical and remote meetings.
- 3.8.2 All Scottish local authorities relied on delegation to officers and emergency committee meetings, particularly in the earlier stage of the pandemic.
- 3.8.3 There is a national desire to keep governance arrangements flexible to deal with spikes in the pandemic and the need to respond quickly.
- 3.8.4 The majority of Scottish local authorities cancelled some or all committee meetings during the initial phase of the pandemic response. This included Aberdeen City Council, City of Edinburgh Council, Dundee City Council and Glasgow City Council.
- 3.9 The Improvement Service concluded that Councils are best placed to determine themselves what political governance arrangements to put in place based on their particular needs, culture, political composition, available technology, skill base and resource.

### **Actions Taken during the Pandemic**

- 3.10 The Council's Powers Delegated to Officers authorises the Chief Officer acting as Duty Emergency Response Coordinator (DERC) to take or arrange for the taking of any action on behalf of the Council which they consider necessary in the event of an emergency. General Delegation 37 states:
- 3.10.1 "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.”

3.11 The COVID-19 DERC role was shared by the Chief Officers for Strategic Place Planning, Data & Insights and Governance. This ensured consistency and continuity of response. The COVID-19 DERC chaired meetings of the Incident Management Team (IMT) and, once a week, reported into the COVID-19 Corporate Management Team (CMT). The IMT included representatives from the Council’s ALEO’s. A separate DERC rota was established, to ensure that any concurrent incidents or emergencies were managed by a separate pool of Directors and Chief Officers. This proved invaluable.

3.12 The Aberdeen Health & Social Care Partnership (ASHCP) also participated within the Council’s IMT. The ASHCP is also part of NHS Grampian’s (NHSG) civil contingency structures. This has included the IJB Chief Officer participating within the silver and gold command structures. The ASHCP has participated in NHSG’s Operation Snowdrop. This operation aims to concentrate the whole organisational effort on a discrete number of activities to ensure that its finite workforce capacity is directed to the most urgent issues. The operation consists of the following workstreams:

1. Staff Health & Wellbeing;
2. Critical & Protected Services;
3. Test & Protect;
4. Vaccination; and
5. Surge & Flow.

- 3.13 AHSCP continues to work closely with the Council to continue to support vulnerable persons in the community including those who require to shield. The AHSCP is working with NHSG and the Council to support community testing and vaccinations input.
- 3.14 The Chief Executive, the COVID-19-DERC's and officers within the IMT and CMT participated in regional multi-agency partnerships including through the North of Scotland Regional Resilience Partnership (North RRP) and through the Grampian Local Resilience Partnership (LRP). The North RRP provides a strategic forum for the co-ordination of emergency planning and response. This includes Grampian, Tayside, Highlands and Islands. Within Grampian the local level of planning and response is co-ordinated by the Grampian LRP.
- 3.15 All COVID-19 related guidance and legislation issued by the UK and Scottish Governments was tracked by the IMT which helped to ensure a clear audit trail of compliance was developed. Often new guidance and legislation was issued with little notice and required a swift response from the Council. This included the issuing of appropriate internal and external comms to ensure customers and staff were clear on revised requirements and the implications of these. The Council's Protective Services were required to enforce some parts of legislation and worked closely with Police Scotland to manage this.
- 3.16 The rapidly changing and evolving situation faced by the Council required equally rapid decision-making to ensure that the Council was able to ensure service continuity through the pandemic. The IMT established which services were critical to the delivery of statutory functions as well as those which would be required to support the emergency response. Business continuity plans were reviewed to reflect the additional pressure on these services and to ensure that the required capacity was available from other areas. IMT agreed several temporary staff movements between clusters, drawing on significant numbers of staff volunteers, to ensure that critical services were adequately resourced.
- 3.17 Regular engagement with Trade Unions ensured that where rapid decisions were required that impacted on staff, Trade Union colleagues were able to provide input for consideration where possible. Papers put to IMT were shared with Trade Union colleagues for comment and open dialogue and collaboration has been encouraged throughout. Weekly meetings with Trade Union colleagues were set up, in addition to the Directors weekly Trade Union meeting, to discuss Health and Safety matters and, later, of the reinstatement of services in particular. Services were required to engage with Trades Unions as part of the reinstatement process. Reinstatement paperwork and risk assessment templates were amended and updated based on Trade Union feedback.
- 3.18 The actions taken by the Council throughout the response to the pandemic were taken in accordance with the Council's approved Scheme of Governance, the approved Generic Emergency Plan and the decisions of the Urgent Business Committee. The Council sought to pursue compliance with the Council's duties under the Civil Contingencies Act 2004 and UK and Scottish government guidance all within its strategic and policy frameworks so far as possible. Account was also taken of the LRP's Covid-19 strategic objectives which

remained dynamic throughout the pandemic. At all the times, the health, safety and wellbeing of the Council's staff and customers were paramount. The actions are attached as Appendix 1 to this report.

- 3.19 With committee meetings now re-embedded with the opportunity for remote and hybrid meetings, it is not anticipated that the DERC's decision making powers will be required to the same extent for Covid-19 related matters. Instead, where action is required and the authority falls outwith existing delegations to Chief Officers, a report will be submitted to the relevant committee (including an Urgent Business Committee, where necessary), where practicable.

#### **4. AUDIT ACTIVITY**

- 4.1 During the pandemic when committee meetings were partially stood down, the Council sought management assurance from the Chief Finance Officer on the impact of the pandemic to the Council's financial sustainability. This is demonstrated through meetings of the Urgent Business Committee on 20 March, 6 May and 30 June 2020; the latter of which reset budgets and resource allocations for financial year 2020/21.
- 4.2 This report to committee today provides a note of the action taken by the Covid-19 DERCs during the pandemic to secure the health, safety and wellbeing of the Council's staff and customers. This report builds on previous reports submitted to meetings of the Public Protection Committee on 7 October 2020 and 2 December 2020.
- 4.3 The Council is currently undergoing its Best Value Audit. This will be reported to a meeting of the Audit, Risk and Scrutiny Committee later in 2021. Within the scope of the audit, best value auditors are considering the impact of the pandemic on the Council. It is also noted that Audit Scotland anticipates the current and future external financial audit activity to include consideration of the council's arrangements for financial sustainability in light of Covid-19.
- 4.4 At its meeting on 8 October 2020, the Audit, Risk and Scrutiny Committee requested the Interim Chief Internal Auditor to provide details on what a review in relation to the Council's response to the Covid-19 pandemic would look like. A proposed scope was presented to the committee at its meeting on 9 December 2020. It was noted at that meeting that the proposed scope would be consulted on before that committee determines its internal audit plan for 2021/2022 on 24 February 2021. Given the above external audit activity that has since been confirmed on top of the Council's own management assurance, the Audit, Risk and Scrutiny Committee at its meeting on 24 February 2021 will consider the extent to which it wishes to apply internal audit resource to this area.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from the recommendations of this report. The impact of the pandemic on the Council has been regularly reported

to the Council, including through meetings of the Urgent Business Committee on 20 March, 6 May and 30 June 2020. The latter of which reset budgets and resource allocations for financial year 2020/21, in order to mitigate the financial implications that had been identified at that time. There remains significant uncertainty and risk to the Council despite this. Financial monitoring activities and business advice has been maintained throughout to ensure the Committee receives the latest position.

- 5.2 The last report on the financial implications (RES/20/166 - Quarter 2 financial performance 2020/21) was presented to the City Growth and Resources Committee on 28 October 2020, where the forecast financial impact on the Council's General Fund was a deficit of c.£5m for the year. This excluded additional funding from an Income Loss Scheme that had been announced but not yet distributed. The Committee agenda today has the Q3 financial monitoring that provides an update on that distribution and the latest financial forecasts for the year.
- 5.3 The Council has received more specific grant funding as a direct result of the COVID-19 pandemic, predominantly distributed directly by the Scottish Government. Grants have been accepted in line with Powers Delegated to Officers, where agreement must be given by the Head of Commercial and Procurement Services and Chief Officer – Finance and following consultation with the Convener of City Growth and Resources Committee and the decisions of the Urgent Business Committee. The receipt of grant funding is complex and inconsistent, some paid in advance, others being paid at the end of the year and others being claimed in arrears. Each is being tracked individually to ensure a comprehensive recovery of funding due. The requirement to process and distribute grants is an example of where the Council has experienced a significant increase in demand on its resource.

## **6. LEGAL IMPLICATIONS**

- 6.1 Section 56 of the Local Government (Scotland) Act 1973 permits Local Authorities to delegate decision-making powers to committees, sub-committees and to officers. Aberdeen City council, in common with other Scottish Local authorities, has a Scheme of Governance which sets out how these powers are delegated and the circumstances in which they can be used.
- 6.2 During the response to the pandemic, the Council has been operating under an unprecedented legislative framework. The fast-changing nature of the pandemic resulted in the Scottish and UK Governments using secondary legislation to update the law on an almost daily basis. This secondary legislation is given effect by a smaller number of pieces of primary legislation – particularly the Coronavirus Act 2020 and the Coronavirus (Scotland) Act 2020. The nature of secondary legislation meant that there was a limited period between the legislation being published and it taking effect.
- 6.3 The Scottish and UK governments have also issued a great deal of guidance in relation to their legislative response to the pandemic. This guidance provides detail and insight into the many legislative changes made by these

governments. This guidance is also often statutory guidance, which means that the Council must have regard to it in decision making and must interpret it as directed by the Scottish Government. Throughout the pandemic, the Council has also had regard to its strategic and policy frameworks.

- 6.4 The Council has processes in place to monitor new and proposed legislation and guidance. These processes were updated to ensure that the Council continued to be able to track and implement the new legislation. This tracking formed part of IMT's decision-making process and ensured that the DERC was aware of the latest position and what actions were required as a result.

## 7. MANAGEMENT OF RISK

- 7.1 Aberdeen City Council has been managing the risks presented by COVID-19 through a rigorous risk management system as set out in a report to the Public Protection Committee on 7 October 2020.

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	None identified.	N/A	N/A
<b>Compliance</b>	Failure to consider a report of action taken using emergency powers would not be compliant with the Scheme of Governance.	L	Consideration of the actions taken in accordance with the Scheme of Governance.
<b>Operational</b>	None identified.	N/A	N/A
<b>Financial</b>	Financial risks presented by the pandemic have been documented in reports to members previously.	L	As already outlined in reports to meetings of the Urgent Business Committee on 20 March 2020, 6 May 2020 and 30 June 2020; and to the City Growth & Resources Committee on 28 October 2020
<b>Reputational</b>	Failure to provide the elected members and members of the	L	Consideration of the actions taken in accordance with the



	public with a note of actions taken during the pandemic in line with the Scheme of Governance could result in criticism of the Council.		Scheme of Governance.
<b>Environment / Climate</b>	None	N/A	N/A

## 8. OUTCOMES

- 8.1 The recommendations in this report will have no direct impact on the Local Outcome Improvement Plan.

<b><u>COUNCIL DELIVERY PLAN</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>	The recommendations in the report have no direct impact on the Policy Statement.
<b>Aberdeen City Local Outcome Improvement Plan</b>	
<b>Regional and City Strategies</b>	This report highlights the co-operation between Aberdeen City Council and other public bodies throughout the pandemic.
<b>UK and Scottish Legislative and Policy Programmes</b>	This report highlights the work undertaken by Aberdeen City Council Members and Officers throughout the pandemic to ensure that the Council followed, implemented and enforced Coronavirus legislation.

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not Required
Data Protection Impact Assessment	Not required

## 10. BACKGROUND PAPERS

- 10.1 Covid-19 Pandemic - Governance Arrangements GOV/10/076 (UBC 20 March 2020)
- 10.2 Covid-19 – Governance Arrangements Update COM/20/094 (UBC 30 June 2020)
- 10.3 [An Update for SOLACE on Transitioning to the New Normal – Political Governance \(November 2020\)](#)

## 11. APPENDICES

Appendix 1: Log of Action Taken

## 12. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Fraser Bell
<b>Title</b>	Chief Officer - Governance
<b>Email Address</b>	fbell@aberdeencity.gov.uk
<b>Tel</b>	2084