REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: COMMITTEE GOVERNANCE

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1.   REASON FOR REPORT

1.1   To review the temporary decision making arrangements put in place due to the Covid-19 response.

1.2   To progress the Governance Review.

1.2   This report is submitted to the Council under paragraph II (10) of the Scheme of Administration, changes in committee structure and II (19) of the Scheme of Administration, emergency arrangements.

2.   RECOMMENDATION

2.1   It is recommended that the Council agree:

i)   **That meetings continue to be held by video conference and webcast and that the position is reviewed again at the Council meeting on September 2021.**

ii)   **To continue the temporary change to paragraph 5 (7) of the Council's Scheme of Delegation so that the Chief Executive may exercise the delegation granted to him (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the need for homologation.**

iii)   **Whether to make a decision on the next stage of the Governance Review and if so, to consider recommendations 2(iv) – 2 (viii)**

iv)   **Whether they wish to determine a future committee structure for the Council based on the Options 1 or 2 in Appendix 1:**

   Option 1. Two main service committees based around Depute Chief Executive roles.
   Option 2.   Three main service committees. Two committees based around Depute Chief Executive roles plus a further committee dealing with corporate issues.

> **v)** Whether to proceed with any of the specific options to combine Committees in Appendix 1:
>
> Option A. Licensing Board with Licensing Committee
> Option B. Planning and Regulatory Services with LRB
> Option C. Policy and Resources functions with Audit and Scrutiny
>
> **vi)** If the Council decides to maintain a distinct Audit and Scrutiny committee, that the Scrutiny role is further clarified with reference to a scrutiny charter and that the frequency of meetings is reviewed.
>
> **vii)** Whether to re-consider the voting entitlement of non-councillor committee members on the Committee which deals with education policy issues.
>
> **viii)** To instruct the Head of Governance Strategy and Performance to make the appropriate changes to the Scheme of Administration for further approval.

3.   BACKGROUND

Initial COVID-19 response

3.1   Moray Council on 25 March (para 2 of the minute refers) agreed the following temporary decision making arrangements:

- delegated powers to Chief Executive to take decisions in consultation with a sounding board without the need for committee homolgation.
- Emergency Cabinet for higher risk decisions.
- Meetings to be held virtually.
- To review the position on or before 17 June 2020.

Move to temporary simplified committee structure

3.2   Moray Council agreed on 17 June 2020 (para 10 of the minute refers) that statutory committees should resume as normal from 02 September 2020 and that a temporary (simplified) committee structure be put in place from that date with 2 composite committees following the remits of each Depute Chief Executive:

- Economic Growth, Housing & Environmental Sustainability Committee.
- Education, Communities and Organisational Development Committee.

3.3   It was also agreed to trial a system where routine information reports (reports with less of a public interest) are posted publicly on CMIS, alongside but separately from the meeting agenda, with an opportunity for Councillors to call in an information report for discussion at the next meeting.

Holding position agreed on 20 January 2021

3.4   These temporary arrangements were reviewed by the Council at its meeting on 20 January 2021 and it was agreed (para 11 of the minute refers):

- to continue to hold virtual meetings on webcast.
- to retain the temporary arrangements for a further 6 months
- to endorse the practice of keeping information reports separate on agendas
- to reinstate membership of external committee members (tenant, teacher, parent, pupil and religious representatives)
- to defer a decision on future committee structures and voting rights on non-councillor committee members to a future meeting.
- that the next step of the Governance Review would be to review of the Council's Second Tier governance documents.

Holding meetings virtually

3.4 Whilst the level of committee business was less during the initial stages of the pandemic this has now returned to normal. Although there are still some technical and communication challenges with virtual meetings the Council has become more comfortable with them. They are operating effectively to deliver their functions remotely and are open to the public as live meetings.

3.5 Due to continuing social distancing rules a return to committee meetings where members and officers are physically present would not currently be feasible. Longer term, when restrictions are eased, it is hoped to be in a position where:

- the majority of attendees at a meeting will able to be physically present
- participants can join remotely if they wish
- meetings can be viewed by the public on a webcast.

As well as enabling remote meetings to take place if required in future, this functionality provides a more flexible option for councillors to participate in relevant meetings in future, which supports the council's equality agenda.

Governance Review

3.6 Before the outbreak of Covid and as part of the Council's Improvement and Modernisation programme the Council agreed to review governance arrangements to reduce bureaucracy, streamline decision making processes, reduce material going to committee and look at alternative governance structures.

3.7 The organisational remits of the 2 Depute Chief Executive posts (created by the management restructure in September 2019) do not align neatly with the previous committee structure. To maximise efficiency of business moving forward, the Council's governance structures should match the organisational structure.

3.8 At a meeting on 12 February 2020 (para 12 of the minute refers) the Council

- amended the Scheme of Delegation to take account of the Management Restructure. Following consultation with Heads of Service there were no significant areas identified to increase delegation of functions to officers. A balance has to be struck between the strategic involvement of members and operational decision making of officers.

- agreed its preference for a committee system (rather than a cabinet/executive governance system and this position was affirmed at the Council meeting on 28 October 2020 (para 9 of the [minute](#) refers)

3.9 The meeting on 12 Feb 2020 agreed that further work be undertaken to progress the governance review:

- Review the number of meetings the Council hold to see if this can be reduced by re-theming them, combining them or changing their frequency.
- Investigate whether there is scope to reduce the instance of similar reports having to go to more than one meeting.
- Review the number of reports going to meetings and the style of reporting.
- Look at other ways to present information to Councillors and the public.
- Consider whether more business can be delegated to officers or partner bodies.

3.10 Progress on the governance review was delayed due to the Covid-19 response however a detailed review of the Council's committee structure, which addressed many of the aims of the Governance Review was addressed in the report to the meeting of Moray Council on 17 June 2020 detailed in para 3.2 above. The temporary committee arrangements approved have given a valuable opportunity to trial an alternative committee structure and have been used to inform the proposals below.

Latest developments
3.11 At the time of drafting this report Moray remains in level 1 restrictions.

4. **PROPOSALS**

Chief Executive's delegated powers.
4.1 As the requirement for urgent decision continues due to COVID -19 response it is proposed to maintain the current temporary arrangements that the Chief Executive may exercise the delegation granted to him under para 5(7) of the Council's Scheme of Delegation (to take such executive action as may be deemed necessary in the discharge of the Authority's functions) without the need for homologation. This will enable a swift response to any changes or new service requests that emerge over the summer period and as the response to COVID-19 continues. This will be reviewed in September when it is hoped that the next stage of the pandemic will be clearer and anticipated easing of the covid restrictions and response measures comes into effect.

Continue with virtual meetings.
4.2 It is proposed that the Council continues with the current virtual meeting/webcast arrangements until social distancing restrictions are relaxed and that work commences to enable hybrid committee meetings(a mix of remote and in person attendance) to take place, should the Council decide to pursue this in the future.

Timing of potential changes to Committee Structure
4.3 It is proposed that the Council consider whether to make a decision on the next stage of the Governance Review, a committee structure at this time or to continue the current arrangements for a further period.

4.4 Implementation of any structural changes to committee are likely to be more challenging during the ongoing Covid restrictions. Although members and officers have become more familiar with working remotely and with virtual meetings, this way of working still presents additional administrative pressures and challenges and meetings/meeting administration can be more time consuming.

4.5 Equally however the considerations in the previous paragraph do not prevent the Council considering and agreeing its preferred structure for future implementation.

4.6 In any event there would be some lead in time required for changes to the Committee structure to become effective to allow time for the necessary changes to the Council's Scheme of Administration to be drafted and approved by the Council.

Options for changes to the Committee Structure
4.7 Options for the rationalisation of the Council Committee Structure are explored in more detail in **Appendix 1**.

Wider options
4.8 The Council's guidance on the preferred approach is sought with suggested options below and further detail in this appendix.

- Option 1: Continue with EGHES and ECOD committees, either on a continued temporary or on a longer term basis.
- Option 2: Move to a simplified committee structure EGHES, ECOD plus an additional corporate committee.
- Option 3: Move back to a wider committee structure, with some minor adjustments.

Specific options looking at combining committees:
4.9 It is proposed that members indicate if they wish any of the following options to be taken forward:

Option A: Licensing Board and Licensing Committee
Option B: Planning and Regulatory Services and LRB
Option C: Policy and Resources and Audit and Scrutiny

Joint boards/meetings with other agencies
4.10 To combine the Police and Fire Rescue Services Committee with another committee would create a logistical challenge in the timing of bringing in external representatives. It is therefore proposed that this remains as a standalone committee and that there is further consultation with statutory partners about the possibility of reducing the frequency of meetings.

Second tier governance documents
4.11 The Council have agreed a number of Policies, protocols and guidance documents which sit below the primary Constitutional Documents, to help define roles and behaviours and to regulate procedures. They have been agreed over time on an ad-hoc basis and are detailed on the Interchange

Web pages. As the final part of the Governance Review it is proposed that these documents are reviewed and gaps identified. Progress will be monitored through the Transforming Council Board with further reports to the Council as necessary.

5. **SUMMARY OF IMPLICATIONS**

    (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
         It is important for the Council to maintain an effective decision making process to continue to meet the objectives set out in its Corporate Plan.

    (b) **Policy and Legal**
         The proposals in this report will require changes to the Council's Constitutional Documents, and in particular to its Scheme of Administration with the extent of those changes dependant on the option chosen by the Council.

    (c) **Financial implications**
         There may be a small financial implication associated with the purchase of an IT system to enable hybrid meetings but this can be met within existing budgets.

    (d) **Risk Implications**
         Effective governance arrangements will help the Council address some of the risks identified in its Corporate Risk Register, in particular Political and Regulatory Risks.

    (e) **Staffing Implications**
         The proposals should provide a balance between providing more operational freedom for senior staff to respond to the Covid-19 crisis and involving elected members in the decision making process.

    (f) **Property**
         None

    (g) **Equalities/Socio Economic Impact**
         No direct implications

    (h) **Consultations**
         The Corporate Management Team and Group Leaders have been consulted. As the recommendations in this report have been left open work will continue with member groups until the time of the meeting to answer questions and to assist them in identifying their preferences in terms of the options presented.

6. **CONCLUSION**

6.1 **Covid-19 restrictions continue to affect the Council's normal meeting arrangements and virtual meetings should remain the norm.**

6.2 **Councillors are invited to consider the next steps in the Governance Review, agreeing a committee structure for the future and looking at the Council's second tier governance docs.**

Author of Report: Alasdair McEachan, Head of Governance Strategy and Performance.

Background Papers: linked with the report.

Ref: