REPORT TO: MEETING OF THE MORAY COUNCIL ON 17 JUNE 2020

SUBJECT: COMMITTEE GOVERNANCE ARRANGEMENTS DURING COVID-19 RESTRICTIONS

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

1. REASON FOR REPORT

1.1 To review the emergency decision making arrangements put in place due to Covid-19 social distancing requirements.

1.2 This report is submitted to the Council under paragraph II (19) of the Scheme of Administration, emergency arrangements.

2. RECOMMENDATION

It is recommended that the Council agree:

2.1 To continue to hold meetings through video conference and webcast with a view to holding meetings with a combination of physical presence, webcast and video conference when technology and social distancing restrictions permit.

2.2 That the suspension on committees is lifted and that, other than the statutory/ad hoc committees detailed in recommendation 2.3:

(i) the June cycle of committee meetings is cancelled.

(ii) a simplified committee structure is put in place from 02 September

(iii) the Emergency Cabinet continues to meet as required until this date.

2.3 For following statutory/ad hoc committees:

(i) that meetings of the Planning and Regulatory Services committee resume on the date of the next scheduled meeting, noting that these will revert to the previous Development Management Scheme of Delegation (agreed on 29 January 2019).

(ii) that Licensing Board and Licensing Committee meetings are held together, as detailed in paragraph 4.4.3 below and that the nine councillors on the board double up as Licensing Committee members.

(iii) note that the Local Review Body and Appeal Committees will continue to meet on their normal cycle, subject to suspension of site visits for LRB.

(iv) that other ad hoc committees will be convened as required.

2.4   That the main committee structure is temporarily simplified, agree one of the options from Appendix 2 and agree the meeting management suggestions within that Appendix.

2.5.   To retain meetings of the Police and Fire committee subject to discussion with partner authorities over their frequency.

2.6.   To continue delegation to Chief Exec agreed by the Council on 25 March (paragraph 2 of minute refers) for lower risk business (judged in terms of strategic importance, legal, financial, reputational and political considerations) , to exercise the delegated authority given to him in para 5 (7) of the Council's Scheme of Delegation (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the requirement for homologation, using membership of the Emergency Cabinet as a sounding board where appropriate.

2.7   To trial an alternative system for information and consider/note reports as detailed in paragraph 4.9.4 below.

2.8   Agree to review these arrangements on or before 24 February 2021.

3.   BACKGROUND

3.1   Initial response

3.1.1   Due to the lockdown/social distancing requirements it became clear that Council meetings could not be conducted as usual with Councillors and the public being physically present. Full Council on 25 March (paragraph 2 of the minute refers) agreed the following arrangements:
- Chief Executive/Officers uses delegated powers for lower risk decisions.
- Emergency Cabinet for higher risk decisions
- To review the position on or before 17 June 2020.

3.1.2   An emergency incident management team (IMT) was set up to manage the Council's response to the rapidly evolving Covid-19 situation.   The Chief Executive has exercised these delegated powers through Council's IMT and CMT in consultation with the members of the emergency cabinet where appropriate and all such decisions have been minuted.

3.1.3   The 25 March report noted that further temporary arrangements would need to be approved for quasi-judicial and regulatory processes. Further reports went to the cabinet for planning (23 April, 2020 para x on the minute refers)and Local Review Body (21 May 2020 para x on the minute refers).

3.1.4   It was unclear in early March how long restrictions would last. The Scottish Government published [Scotland's Route Map](#) on 21 May 2020 which sets out 4 phases for easing lockdown restrictions. Timescales for moving through each phase depend on the virus transmission rates. As physical distancing still features in each phase, it seems reasonable to plan for a longer term change to the way the council makes decisions.

3.2   What are other Councils doing?

3.2.1   Short term: There is a spectrum of arrangements in place, evidenced by a table put together by the improvement service on behalf of SOLACE, a copy has been circulated amongst members. Looking at this table some councils still appear to be operating with emergency powers to officers and no committee meetings. Other councils have managed to keep a proportion of their meetings running. Those that are further advanced in holding virtual meetings seem to have benefitted from having had term longer strategies to promote digital connectivity and remote working for Councillors and officers.

3.2.2   Medium/longer term: there is little information available on what other councils are planning for the medium/long term and it is an evolving situation. Some of the Councils who suspended all meetings indicated that this was until the summer recess with the intention to return to a more normal cycle after that. The SOLACE table, whilst designed to share best practice, only looks at the initial responses of councils and came out before the publication of the Scottish Government Route Map.

3.2.3   Each council will need to make a judgement on what governance arrangements are best for them, based on their own circumstances.

3.3   Volume of business and ability of officers to support this business

The Covid-19 response has generated a significant amount of additional workload for council officers, a significant proportion of whom are unable to work productively. This is likely to affect the volume of material which officers are able to produce for consideration by committees.

There are a number of ways this volume could be managed:
- Reduce the volume of reports that require to be considered by committee by extending delegation to officers.
- Have a smaller range of meetings, as considered in Appendix 2
- Hold the normal range of meetings less frequently.

3.4   Technology:

3.4.1   There has been a steep learning curve for the council in getting used to various digital platforms for virtual meetings via the internet. The first few meetings have been quite labour intensive, ironing out technical issues with hardware and software. It is hoped that this is just an initial hurdle and that things will get smoother as councillors and officers will become more familiar with the meeting platform.

3.4.2   The first cabinet meeting was held by telephone conference but subsequent meetings have been successfully held using an online meeting solution provided by the council's webcast providers public-i. This solution allows an online video conference meeting to be simultaneously webcast.

3.4.3   With current technology in the chamber it is easier to hold meetings online with no physical attendance. This has also helped reduce non-essential travel. Some participants have reported that they have insufficient broadband strength to attend remotely. A workaround solution has been for them to use a device within the council buildings to join the meeting.

3.4.4   As lockdown restrictions ease actual attendance at meetings, subject to appropriate physical distancing, will become acceptable. Longer term 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
- the public can view the meeting on a webcast.

3.4.5   Meantime it is proposed to stick with the remote attendance/webcast which is proven to work.

3.5   Number of Councillors attending meetings
3.5.1   Numbers on the Emergency Cabinet were kept small because remote meeting technology was unproven and this allowed the fall back of a meeting with physical attendance. Now that the council have become more comfortable with online meetings, larger numbers at meetings would be feasible.

3.5.2   Doing business through a virtual meeting can be more time consuming than a meeting with members present. Although councillors and officers are likely to get better at running virtual meetings, with greater the numbers they are likely to take longer.

3.5.3   Whilst there are likely to be initial technical issues (detailed above) with getting councillors set up to join remote meetings these should settle down with time.

3.6   Meeting management
3.6.1   Some changes to the Council's standing orders will be required to allow for better management of online meetings. Scripts, guidance and training may also be helpful.

3.6.2   Tricky situations may arise where, due to technical glitches, participants are unable to contribute. This could affect the information available to the meeting or voting. Workarounds will need to be found to make sure that procedural fairness is observed.

3.6.3   Meetings are likely to take longer so it will help if agendas can be kept tight and groups can organise comments/motions in advance.

3.7 Staffing of meetings

Although joining an online meeting may be relatively simple for participants, online meetings have proven more labour intensive for staff to run. For the meetings run to date it has helped to have had two members of committee services team (one to clerk and the other to monitor the video conference) and a member of the IT team on standby to deal with technical issues.

3.8 Outstanding Governance Review

As part of the 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 structure.

At a meeting on 12 February 2019 (para 12 of the minute refers) the Council agreed its preference for a committee system (rather than a cabinet/executive governance system) and noted further work to be undertaken to progress the governance review:

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

There is an opportunity to trial some of these ideas during the temporary arrangements proposed below.

4.   PROPOSALS

4.1   In putting forward proposals a balance has to be struck between:
- Continuing emergency response and need for decisions to be taken quickly in a rapidly changing environment.
- Democratic input into decision making.
- Capacity of officers to produce reports to feed meetings.

4.2   **Governance options considered**

A number of decision making options have been considered to deal with staffing and social distancing implications of Covid-19 restrictions. These options, detailed in **Appendix 1**, are:

1: Continue with the Emergency Cabinet
2: Expand numbers on the Emergency Cabinet.
3: Reinstate all statutory committees
4: Full Council consider everything apart from statutory committees.
5: Resume a normal committee cycle
6: Reduced cycle of normal committees and
7: Reduce the number of main reporting committees

From these options, it is proposed to proceed with option 3, resume statutory committees and option 7, temporarily reduce the Committee structure to a more manageable level.

4.2 **Summer recess**
The Summer committee recess would have been from 01 July to 10 August. It is proposed that
- The scheduled cycle of meetings in June (other than statutory committees) does not proceed.
- A formal meeting structure is put in place following the summer recess for 6 months.
- The Emergency Cabinet continues to meet during the summer recess on an ad hoc basis until meetings at 0930 hrs on Wednesdays.

4.4 **Statutory and ad hoc committees**
There appears to be sufficient officer resource and service demand to support the following statutory/d hoc committees so it is proposed that these meetings resume remotely, on a normal 8 weekly cycle as follows:

4.4.1   Planning and regulatory services
The Council's Head of Development Services is confident that meeting technology now available will work for consideration of planning business so it proposed that this committee reverts to its published cycle from the date of the next scheduled meeting. The temporary changes made to the Council's Development Management Scheme of Delegation agreed by the Emergency Cabinet meeting on 23 April 2020 (paragraph 5 of the minute refers) will automatically cease from the date of the next scheduled meeting.

4.4.2   Local Review Body
At a meeting on 21 May the Emergency Cabinet agreed to reinstate the LRB with virtual meetings and temporarily suspending the requirement for site visits.

4.4.3   Licensing board and Licensing Committee
There is a volume of business that still needs to be processed through meetings. Meetings can be held remotely and there is officer capacity to support them. Rather than hold two separate meetings it would make sense to combine them, subject to statutory requirements. The Board is a separate legal body with 9 members who appoint a Board Convener by majority vote. Board members are appointed by the Council following Local Government elections and hold office until the next election. They require mandatory training. To combine membership the Council would need to agree that Board members act as Licensing Committee members, Licensing committee business effectively being determined by 9 members. There would need to be a clear division of Committee/Board business.

4.4.4   Appeal committees
These are largely governed by statutory rules and can be run remotely.

It should be noted that there will be some challenge involved where the public require to give evidence at meetings/hearings and that the position should be kept under review.

4.4.5   Ad hoc committees
Would be held as required (for example Appointments Committee).

4.5   **Temporarily reduce the number of main reporting committees.**

4.5.1   Some work has been done to identify how many "business as usual" reports officers are likely to be able to generate during lockdown restrictions. There will be less capacity to produce policy reports which services concentrating on providing critical services. Due to the number of variables it is hard to give an accurate figure but 25% -50% of normal volume is a reasonable estimate. This suggests that it would not be feasible to sustain a normal committee cycle.

4.5.2   The committees in scope are
- Full Council
- Policy and Resources
- Children and Young People's Services
- Economic Development and Infrastructure Services
- Communities
- Audit and Scrutiny
- Police and Fire

4.5.3   Three options on how to rationalise meetings are considered in **Appendix 2** and members are invited to agree one of these options.

- option 1 Full Council + double up existing committees
- option 2:Full Council + 3 committees by theme
- option 3:Full Council + 2 committees based around Depute Chief Executive roles.

4.6   **Joint boards/meetings with other agencies**

Meeting schedules are largely determined by each body depending on their circumstances. For example IJB and CPC continue to meet.

4.7   **Police and Fire Committee**.
Consideration has been given as to whether this committee could be combined with another, however the difficulties of bringing in external representatives would make meeting management tricky. So it is suggested that this committee stays as a standalone committee with further consultation with statutory partners to reduce the frequency to minimise the burden on constituent bodies.

4.8   **Chief Executive's delegated powers**.
4.8.1 The Council agreed on 25 March (para 2 of the minute refers) that the Powers of Chief Exec contained in Para 5 (7) of the Council's Scheme of

Delegation (to take executive action as may be deemed necessary in the discharge of the Authority's functions subject to homologation) would be exercisable for lower risk decisions without the requirement for homologation. These powers have been exercised in consultation with a sounding board comprising members of the Emergency Cabinet.

4.8.2 This arrangement has worked well for issues which need to be determined at short notice. Whilst the Government's aim is to gradually lift lockdown restrictions, there is still a risk that they need to be re-imposed at short notice. It is therefore proposed that the Chief Executive delegation arrangement continues with the membership of the Emergency Cabinet being retained to act as a sounding board.

4.9 **Reducing the number of information reports going to committee**.

4.9.1 A lot of committee time is taken up with information reports and with "consider and note" reports where no active decision is required.
- C&YP 84%
- A&S 83%
- Communities 58%

4.9.2 These reports often include budget /performance/policy information in which there is a clear public interest, and which would benefit from being discussed in a public forum. For instance some regulators like to see that there has been active elected member scrutiny.

4.9.3 There may however be circumstances where the information in these reports could be brought to members attention in a different way so as to make meeting agendas more manageable and focused.

4.9.4 It is proposed to trial a system where the information in more routine reports (with less of a public interest) are posted publicly on CMIS and that councillors have the opportunity to submit written questions or call-in the report for consideration at the next meeting. More use could be made of written briefings.

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 deliver vital services to vulnerable people in Moray and to support businesses through this challenging period.

   (b) **Policy and Legal**
   These proposals will temporarily amend the Council's Scheme of Administration and Scheme of Delegation.

   (c) **Financial implications**
   None

(d) Risk Implications

The Council needs to ensure that appropriate governance arrangements are put in place to deal effectively with ongoing Covid-19 response.

(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.

6.   CONCLUSION

6.1   The Council's response to the Covid-19 crisis continues affect to the capacity of officers sustain a normal committee structure.

6.2   This report seeks approval for a simplified committee structure (on a temporary basis) which officers are able to support and which includes elected members in the decision making process.

6.3   The position will be reviewed on or before 24 February 2021

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