



REPORT TO: MORAY COUNCIL ON 20 JANUARY 2021

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 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 (19) of the Scheme of Administration, emergency arrangements.

2. RECOMMENDATION

It is recommended that the Council agree:

- 2.1 That meetings continue to be held by video conference and webcast until government guidance changes.
- 2.2 Whether they wish to determine a future structure for Council committees 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.
- 2.3 Whether they wish 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 IJB
Option C. Policy & Resources with Audit & Scrutiny
- 2.4 To reinstate membership of Tenant Representatives on the committee which deals with Housing policy issues.

- 2.5 To reinstate membership of religious representatives on the committee which deals with education policy issues for consideration of education policy items only and:**
(a)to consider whether they wish to keep non-statutory members (pupil, parent, teacher reps) on this committee for these items
(b)to consider the entitlement of non-councillor committee members to vote on these items.
- 2.6 To instruct the Head of Governance Strategy and Performance to make the appropriate changes to the Scheme of Administration for further approval.**
- 2.7 Endorse the practice of keeping information and noting reports separate from discussion reports on committee agendas with an opportunity to call these in to a future meeting as detailed in paragraph 4.9 below.**
- 2.8 To continue the position where the Chief Executive may exercises the delegation granted to him under 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 need for homologation.**
- 2.9 To note that the next step of the Governance Review will be to consolidate and refresh the Council’s Second Tier Governance documents and specifically to**
-Update guidance on the relationship between councillors and officers, -
-Formally adopt a Virtual Meetings Protocol,
-Clarify the working arrangements for of the Group Leaders forum.
-Clarify the process for agreeing councillor senior responsibility allowances.

3. BACKGROUND

3.1 Initial COVID-19 response

MorayMorayCouncil on 25 March (paragraph 2 of the [minuteminute](#) 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 homologation.
- Emergency Cabinet for higher risk decisions.
- Meetings to be held virtually.
- To review the position on or before 17 June 2020.

3.2 Move to temporary simplified committee structure

MorayMorayCouncil 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:

- Environment, Growth & Environmental Sustainability Ctee.
- Education, Communities and Organisational Development Ctee.

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.

The Council agreed that these temporary arrangements would be reviewed by February 2021.

Whilst the level of normal committee business was less during the initial phases of Covid because resources were diverted to responding to the pandemic, this increased to more normal levels as the restrictions of covid were lifted and services adapted to new ways of working recovery began and Councillors and officers became more familiar with virtual meetings. In some areas there has been a spike in business as the backlog in routine reporting is addressed and work that had been on hold re-commenced.

3.3 Holding meetings virtually

Whilst there are still some technical and communication challenges with virtual meetings the Council has become more comfortable with them.

A Virtual Meetings Protocol has been agreed informally by group leaders and is attached as Appendix 2. It is proposed that this adopted as part of the Council's 2nd Tier Governance documents which are discussed in para 4.11 below.

Longer term it is hoped to be in a position where:

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

3.4 Governance Review

Before the outbreak of Covid and 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 structures.

The organisational remits of the 2 Depute Chief Executive posts (created by the management restructure in October 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.

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 officer delegation. A balance has to be struck between the strategic involvement of members and operational decision making. Opportunities do arise on an ad-hoc basis to make changes, for example the delegation of [planning example] to 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 27 October 2020 (para 9 of the minute refers)

The meeting on 12 Feb 2020 agreed that further work 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 one meeting.
- Review the number of reports going to meetings and the style of reporting.
- Review the number of reports going to meetings and the style of reporting.
- Looking at other ways to present information to Councillors and the public.
- Considering whether more business can be delegated to officers or partner bodies.

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.

3.5 Latest developments

Since this report has been drafted there have been significant developments with Moray entering Tier 4 restrictions on 26 December 2020 and with the national lockdown announced on 5 January 2021. This will impact on the options considered below as it places additional demands on officers that will once again require a review of what can be delivered while managing the response to the pandemic and delivering adapted services.

4. PROPOSALS

4.1 Temporary COVID-19 Restrictions.

It is proposed to continue with the current virtual meeting/webcast arrangements until social distancing restrictions are relaxed.

It is proposed that members

- review the temporary committee structure put in place to help deal with COVID-19 capacity issues

- consider whether they wish to make a decision on the next stage of the Governance Review, determining a Committee Structure for the future, at this point in time. Whilst this element of the Governance Review is outstanding and is linked to our BVAR action plan, it may not be considered a priority in terms of the pandemic response.

4.2 Committee Structure going forward

Options on how Council Committees could be rationalised are explored in more detail in Appendix 1.

Wider options

It is proposed that members agree which of these Wider Options they wish to see taken forward. In considering these options, the Council is asked to take account of the recent lockdown and the additional pressures and adjustments that arise from that. At this time, it is not considered that there would be organisational capacity to revert to the wider committee structure that was operational pre-covid and so it is proposed that this option is set aside at this time. It is also of note that remote working and the temporary committee structure are areas where councillors and officers were gaining experience. Given the circumstances of covid, these committees had not yet settled into a normal routine where the ongoing effectiveness could be assessed based on business as usual. Based on the current situation, it seems likely to be some time before a return to pre-covid normal business can be anticipated. Therefore, it may be more appropriate to consider a further temporary arrangement at this time and to return to a longer term review after the summer recess. The Council's guidance on the preferred approach is sought based on the options below and in the appendix

- Option 1: Continue with EGHE and ECOD committees, either on a continued temporary or on a longer term basis.
- Option 2: Move to a simplified committee structure EGHE, 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:

It is proposed that members indicate if they wish any of these options to be taken forward:

Option A: Licensing Board and licensing Committee

Option B: Planning and Regulatory Services and LRBLRB

Option C: Policy & Resources and Audit & Scrutiny

4.6 Joint boards/meetings with other agencies

It is proposed that, due to the difficulties of bringing in external representatives would make meeting management tricky,, this committee stays as a standalone committee with further consultation with statutory partners to reduce the frequency to minimise the burden on constituent bodies.

4.9 Noting and information reports

The practice of separating noting/information reports from the main part of the agenda has been successful in reducing the volume of material going onto the public agenda at a committee. There have been 2 call-ins during the trial period. It is proposed that this practice is adopted on an ongoing basis and that the following provision is added to the Council's standing orders:

"INFORMATION REPORTS – CALL IN

Any member wishing to call in a noting or information report from one meeting shall give written notice to Committee Services at least 14 days in advance of the following meeting. The notice shall be countersigned by one other elected member and shall explain the reason for call in.

4.10 Chief Executive's delegated powers.

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.

4.11 Second tier governance documents

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 a further report is considered by the Council with recommendations to review and update these documents where appropriate and to identify gaps. In particular it is proposed to include:

- Updated guidance on the relationship between Councillors and Officers.
- Virtual meetings Protocol – recently approved by group leaders and attached at **Appendix 2**
- Group Leaders guidance – operational guidance to regulate this Councillor/Officer group.
- Clarification on determination of Councillors Senior Responsibility Allowances.

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. CMT have noted that the re-entry into covid lockdown requires a review of the priorities that services will be able to address. This may require only essential committee reports to come forward during this time and will be kept under review. In light of this, the advice from CMT is that it would be extremely challenging to revert to the previous committee structure across all services at this time and that if that option is the preference of the council, it should be put on hold pending a change in the covid situation and the demands it places on council services.

6. CONCLUSION

6.1 The Council's response to the Covid-19 pandemic continues affect the Council's normal meeting arrangements.

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:

Ref: