

Item: 5

Policy and Resources Committee: 20 February 2024.

Governance Arrangements.

Joint Report by Chief Executive and Corporate Director for Strategy, Performance and Business Solutions.

1. Purpose of Report

To consider governance arrangements to support decision making of the Council.

2. Recommendations

The Committee is invited to note:

2.1.

The proposals to amend the Standing Orders in respect of Remote Attendance and removal of the requirement to stand whilst speaking at General Meetings of the Council.

2.2.

The proposed new committee report template, attached as Appendix 1 to this report.

It is recommended:

2.3.

That, for all meetings of the Council, its Committees and Sub-committees, although in-person attendance should remain the default position, the practice of seeking agreement in advance from the Convener, Chair or Vice Chair for remote attendance should cease, with the exception of meetings covered by Standing Order 8.11.

2.4.

That remote participation should be permitted in the following instances, which is not considered exhaustive should other circumstances dictate remote participation:

- Weather or travel disruption within Orkney (actual or forecast).
- Carer responsibilities.
- Health issues which prevent travel (not participation).
- Travel outwith Orkney.

2.5.

That Standing Order 12.4, which requires standing to speak at General Meetings of the Council, be rescinded.

2.6.

That Standing Orders be amended to reflect the changes to remote attendance protocol and removal of the requirement for standing to speak at General Meetings of the Council, as outlined above.

2.7.

That the Chief Executive should progress roll-out of the committee report template, referred to at paragraph 2.2 above.

3. Background

3.1.

Following the pandemic, in-person meetings resumed in the Council Chamber, commencing with the induction programme for the new Council in May 2022 and the subsequent meetings of the Council, its committees, and sub-committees. Public attendance is also permitted in the Public Gallery.

3.2.

The technology in the Council Chamber has been upgraded with the installation of cameras linked to the microphone system and Microsoft (MS) Teams which has improved the experience for remote participants and allowed hybrid meetings to be more easily facilitated.

3.3.

At present, Standing Order 8.9 allows for remote attendance subject to the discretion of the Chair or Vice Chair. This requires elected members and officers to individually request the agreement of the Chair or Vice Chair for remote attendance for each meeting. Consideration has therefore been given to further facilitating a hybrid approach to meetings of the Council, its committees and sub-committees in order to reduce bureaucracy for remote participation.

4. Remote Attendance at Meetings of the Council and its Committees and Sub-Committees

4.1.

Virtual meetings were proven to be an effective way to conduct Council business during the pandemic however, experience since the removal of restrictions has demonstrated the value of meeting in person as face-to-face meetings support improved communication and debate, facilitating effective decision making as the participants are able to 'read the room'.

4.2.

Face to face meetings also remove the key disadvantage of remote participation, where participants have experienced unexpected connectivity problems during meetings which has impacted on their ability to fully participate and, at times, potentially vote as part of the decision-making process for the Council. On the other hand, the ability to work remotely can significantly enhance the opportunity to align diaries and increase attendance and participation when constraints such as caring responsibilities, health or travel options might otherwise prevent a participant from attending a face-to-face meeting. For this reason, the option to attend meetings remotely should be continued with streamlined arrangements that reduce the overhead associated with supporting hybrid working.

4.3.

Section 43 of the Local Government in Scotland Act 2003 provides that meetings of a local authority and its committees, including joint committees, and sub-committees thereof may (as well as being conducted entirely in-person) be conducted in a way in which members are enabled to participate remotely. A meeting may only be conducted in a way in which remote participation is enabled, on the direction of the convener, whom failing, the deputy convener of the authority, committee or, as the case may be, sub-committee. This requirement can be met through a prior direction by the Convener of the Council or by the Chair of the relevant Committee/Sub-committee that their respective meetings may legitimately take place other than by all members being physically present together in the same room. Such a prior direction could cover all meetings of the Council or relevant Committee/Sub-committee or alternatively may purport to cover specific meetings only.

4.4.

4.4.1.

To reduce the administration associated with managing individual requests for remote attendance, it proposed that, for all meetings of the Council, its Committees and Sub-committees, in-person attendance remains the default position, however there is advance agreement with the Convener, Chair or Vice Chair that members and officers are able to participate remotely in instances such as:

- Weather or travel disruption within Orkney (actual or forecast).
- Carer responsibilities.
- Health issues which prevent travel (not participation).
- Travel outwith Orkney.

4.4.2.

There may be other appropriate circumstances to participate remotely however a simple personal preference to attend meetings remotely would not normally be sufficient reason.

4.5.

The approval of this proposal would provide authority for an advance direction to be made by the Convener or Chair of the Committee/Sub-committee, eliminating the requirement for Elected Members and Officers to individually request this facility on each occasion.

4.6.

However, not all meetings would be available for remote attendance in accordance with Standing Order 8.11. In-person attendance would continue to be the default position for items in respect of which a party has a right to be heard in person or through a representative and the decision to be made, in respect of that item, is as a result of a quasi-judicial or regulatory hearings process.

4.6.1.

In practice, this generally relates to meetings of the Planning Committee, the Local Review Body and the Licensing Committee, and applies not only to elected members, but also to applicants, their agents (if applicable) and objectors.

4.6.2.

It is proposed that, for meetings which fall within the ambit of Standing Order 8.11, approval from the Chair and/or Vice Chair, to attend remotely will still be required. This would negate the current requirement to suspend Standing Orders at each such meeting, where someone had requested remote attendance. Standing Order 8.11 will be revised accordingly.

4.7.

It is also proposed to clarify the arrangements for attending remotely. Standing Order 8.12 requires Members who are remotely participating in exempt or confidential items to provide written assurance that they will not be heard by anyone in their vicinity. It is proposed to amend this Standing Order to require those attending remotely to guarantee that they have access to a facility which would provide them with an environment that ensures they can participate remotely and are able to give the meeting their undivided attention – as if they were in the Chamber. They will be required to declare that:

- They are in a room with no other persons present.
- That no persons can overhear the discussions.
- That they will not answer any other calls or attend to any other business whilst participating in the meeting.
- That cameras will be kept on at all times without exception.

4.7.1.

It is proposed that the agenda will include this information as a reminder.

5. Standing to Speak at the General Meeting

5.1.

Where an elected member attends the General Meeting of the Council in person, the current position is that they are required to stand and address the Convener as required by Standing Order 12.4. The exception to this is for remote participants as this Standing Order was suspended during the pandemic and continues to be the case as the Council has not subsequently rescinded that decision in order to facilitate hybrid meetings.

5.2.

At present those attending in-person do observe this Standing Order and consequently due to the camera functionality, remote attendees are not always able to view the person who is speaking. In addition, standing whilst speaking causes the speaker to be further away from the microphone which affects sound quality for all participants. For those with mobility difficulties, being required to stand to speak could also discourage participation. Overall, the requirement of Standing Order 12.4 can impact on participants visually, audibly and in terms of physical mobility and is not inclusive.

5.3.

In order to address these points and to promote inclusion, it is proposed that Standing Order 12.4 is removed. However, it is recognised that in some circumstances Elected Members might want to “address” the Council – perhaps to propose a significant Motion or address a significant amendment. In these cases, Members will be able to request the Convener for use of the lectern which offers the facility to stand and address all elected members with the camera and microphone appropriately positioned for any remote participants. This will not be a requirement but will be an option available to Elected Members.

6. Committee Report and Agenda Layout

6.1.

A review of the Committee report layout has been undertaken and improvements identified. It is proposed to amend the template to improve conciseness and allow the reader to quickly identify the essential reading required to inform decision making. An example of the new template is provided at Appendix 1 to this report.

6.2.

In the new template, the font used will be Source Sans Pro and the report will commence with an Overview which will contain the key points that are essential for the report reader. This includes the reason for the report, what needs to be considered for change, essential factual information that needs to be confirmed or understood and next steps.

6.3.

The Recommendations will be restricted to those issues the elected members are being asked to agree with 'noting' recommendations by exception. Between the Overview and the Recommendations sections, elected members will be provided with all the essential factual information that they require in order to make informed decisions in line with transparent and effective governance. This will impact on the style of minutes which will concisely record the decisions of the Council and committees without including the current number of noting recommendations. The proposed format of the report template and Minutes have been reviewed by the Head of Legal and Governance, and confirmed as delivering the required governance in terms of taking and recording Council and Committee decisions.

6.4.

Background information will be provided at the end of the report or via links and the number of appendices will be kept to a minimum. The Implications of the Report are listed at the end in a more concise manner to allow readers to quickly identify the pertinent points. The Implications have been expanded to include effects on Environmental and Climate Risk and Cost of Living.

6.5.

If approved, report writers will receive training and ongoing guidance on the new report template and the expected style of writing and layout of content. This will take time to bed in. A phased approach to the introduction of the new report template is proposed. It is not intended that reports that have had substantial work done on them will be amended simply to follow the new guidance and format. For this reason, it is to be expected that reports in both the old and new styles will be presented to elected members for a period.

6.6.

Improvements identified to the current style of agenda include a section at the top listing all the Members of that Committee. In the Order of Business listed on the agenda, reports are now grouped into titled sections to make it clearer to identify the reports which are public items and reports which contain exempt information and recommended to be held in committee.

6.7.

The agenda will include a reminder for Members (and officers) attending remotely of the need to ensure that they are in a private area and, if exempt or confidential items are being discussed, to ensure that the discussion will not be able to be overheard as described in section 4.7 above.

7. Equalities Impact

An Equality Impact Assessment has been prepared and is attached as Appendix 2 to this report.

8. Links to Council Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan priorities of Transforming our Council.

9. Links to Local Outcomes Improvement Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Local Outcomes Improvement Plan priorities of Local Equality.

10. Financial Implications

There are no financial implications as a direct result of this report.

11. Legal Aspects

There are no legal implications as a direct result of this report.

12. Contact Officers

Oliver Reid, Chief Executive, extension 2101, Email oliver.reid@orkney.gov.uk

Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions, extension 2202, Email karen.greaves@orkney.gov.uk

Gavin Mitchell, Head of Legal and Governance, extension 2233, Email gavin.mitchell@orkney.gov.uk

Hazel Flett, Service Manager (Governance), extension 2208, Email hazel.flett@orkney.gov.uk

13. Appendices

Appendix 1 – New Committee Report template.

Appendix 2 – Equality Impact Assessment.



Not for Publication by virtue of paragraph(s) (insert appropriate paragraphs numbers here) of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973. (Delete this header if the report is to be held in public.)

Item:

Name of Committee: Date

Title of Report

Report by (insert job title)

1. Overview

1.1. This section should comprise a “top line” (what the report will tell the reader) and key points (what elected members need to know). If required to support clarity subheadings can be used and bullet point lists used to present information in a focused manner.

Content

1.2. The Overview will often incorporate the type of information that elected members were previously asked to note. The aim of the overview is to:

- describe the position that has necessitated the report
- state what needs to change
- outline information that needs to be confirmed or understood
- be clear about why an action is needed

1.3. Consideration should also be given to identifying and explaining relevant next steps that will follow should the recommendations be approved and relevant timescales and responsible officers.

1.4. The Overview should also point to any additional data or information in the background of the report that elected members might want to consider to understand the officer recommendations, as set out in section 4 of this report and Appendix 1.

1.5. Between the “Overview” and the “Recommendations” elected members should be provided with all the essential factual information that they require to be aware of to take an informed decision in line with transparent and effective governance.

- 1.6. Where consulting with elected members or seeking views on an approach is a relevant stage in the process the recommendation should either be that a session is to be arranged to allow this discussion – or, normally preferably, a session should previously have been held to consider options and get a clear member position to support the officer recommendation contained in the report.
- 1.7. A recommended strategy should consider the available resource, capacity and deliverability and where relevant there should be a clear commitment to follow up reports, a timeline for delivery and clarity on who will be responsible for implementation.

2. Recommendations

- 2.1. It is recommended that members of the Committee:
 - i. Note that Recommendations, will continue to comply with Standing Order 16.9, which states “The recommendations contained in a report shall normally be taken as the motion, provided that these recommendations are moved and seconded”.
 - ii. Agree that recommendations should be restricted to issues the elected members are being asked to agree to, or action - with “noting” recommendations by exception.
 - iii. Request Corporate Directors to ensure that Recommendations set out a clear officer position - and not ask that elected members be asked to determine from a range of options or provide a view.
 - iv. Instruct the Corporate Director of Enterprise and Sustainable Regeneration to ensure that Recommendations are costed and indicate the resources that will be required and where these will be accessed from.
 - v. Request that the Corporate Director of Strategy, Performance and Business Solutions submit relevant monitoring and evaluation reports on performance to future meetings of the Committee on an annual basis for scrutiny.

3. Background

- 3.1 From section 3 onwards, any number of headings and sections can be inserted as necessary to provide relevant background, including a history of the subject, if it has been considered before, together with any other relevant information – for example the options appraisal or process that was carried out before a recommendation has been arrived at.

Structuring this part of the report

- 3.2 Background information should be kept as short and focused as possible – avoiding repetition of the entire history or process that has been followed – but perhaps referring to key report stages or contextual legislation that is relevant.
- 3.3 The aim of this section should be to answer the questions that elected members are likely to ask.

Comparisons or Benchmarking?

- o Issues to consider would be the comparable position in other local authorities – a CoSLA position or Scottish Government position if relevant.

4. Important Section of information to Highlight

- 4.1 Splitting the background section can assist in directing readers to relevant information easily. Overall, the Background section should support and explain the position set out in sections 1 and 2 but should not introduce essential information that the elected members are required to know when taking the decision – unless that has been specifically referenced in section 1 or 2. (eg “note the options appraisal and consultation responses set out in sections 6 and 7 of this report”)

5. Legislative position

- 5.1 Relevant background information may well include the legislative position and how this is likely to change. It might also provide information on the stance being adopted by CoSLA or relevant professional bodies or associations – to provide additional context to and reassurance regarding the officers recommendations.

6. Options Appraisal

- 6.1 Where relevant a section might include the options appraisal carried out by officers – and the basis of the preferred recommendation.

7. Consultation

- 7.1 When a consultation exercise has been carried out a section may highlight relevant responses and how these have been used to inform the officers recommendations.

8. Next Steps

- 8.1 Often there will be a short description of the next steps that officers will be taking forward should the recommendations be approved, together with a timescale for expected future reports or updates to be provided.

For Further Information please contact:

e.g. Gavin Mitchell, Head of Legal and Governance: gavin.mitchell@orkney.gov.uk

The Contact Officer should be the officer presenting the report at Committee – or lead officer for further information required by Members in advance of the committee meeting.

Implications of Report

- 1. Financial**
- 2. Legal**
- 3. Corporate Governance**
- 4. Human Resources**
- 5. Equalities**
- 6. Island Communities Impact**
- 7. Links to Council Plan**
- 8. Links to Local Outcomes Improvement Plan**
- 9. Environmental and Climate Risk**
- 10. Risk**
- 11. Procurement**
- 12. Health and Safety**
- 13. Property and Assets**
- 14. Information Technology**
- 15. Cost of Living**

List of Background Papers

Appendix



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

| 1. Identification of Function, Policy or Plan | |
|--|---|
| Name of function / policy / plan to be assessed. | Governance Arrangements. |
| Service / service area responsible. | Strategy, Performance and Business Solutions. |
| Name of person carrying out the assessment and contact details. | Karen Greaves, karen.greaves@orkney.gov.uk . |
| Date of assessment. | 30 January 2024. |
| Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly). | Amendment to an existing arrangement. |

| 2. Initial Screening | |
|--|--|
| What are the intended outcomes of the function / policy / plan? | To facilitate effective decision making. |
| Is the function / policy / plan strategically important? | Yes as part of the Council Plan priority – Transforming Our Council. |
| State who is, or may be affected by this function / policy / plan, and how. | Elected members and officers, members of the community, media. |
| How have stakeholders been involved in the development of this function / policy / plan? | Elected members have been consulted in the proposals. |

| | |
|---|---|
| <p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p> | <p>None.</p> |
| <p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p> | <p>(Please complete this section for proposals relating to strategic decisions).</p> <p>Not Applicable.</p> |
| <p>Could the function / policy have a differential impact on any of the following equality areas?</p> | <p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p> |
| <p>1. Race: this includes ethnic or national groups, colour and nationality.</p> | <p>No differential impact.</p> |
| <p>2. Sex: a man or a woman.</p> | <p>Positive differential impact for women as they have a higher percentage of caring responsibilities.</p> |
| <p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p> | <p>No differential impact.</p> |
| <p>4. Gender Reassignment: the process of transitioning from one gender to another.</p> | <p>No differential impact.</p> |
| <p>5. Pregnancy and maternity.</p> | <p>No differential impact.</p> |
| <p>6. Age: people of different ages.</p> | <p>No differential impact.</p> |
| <p>7. Religion or beliefs or none (atheists).</p> | <p>No differential impact.</p> |

| | |
|---|--|
| 8. Caring responsibilities. | Positive differential Impact in that the proposals will continue to facilitate attendance at formal meetings of the Council. |
| 9. Care experienced. | No differential impact. |
| 10. Marriage and Civil Partnerships. | No differential impact. |
| 11. Disability: people with disabilities (whether registered or not). | (Includes physical impairment, sensory impairment, cognitive impairment, mental health) Positive differential Impact in that the proposals will continue to facilitate attendance at formal meetings of the Council. In addition, the proposals will remove the requirement to stand at the General Meeting when Speaking – which may be a barrier to those with mobility issues. |
| 12. Socio-economic disadvantage. | No differential impact. |

3. Impact Assessment

| | |
|---|-----------------|
| Does the analysis above identify any differential impacts which need to be addressed? | No. |
| How could you minimise or remove any potential negative impacts? | Not Applicable. |
| Do you have enough information to make a judgement? If no, what information do you require? | Yes. |

4. Conclusions and Planned Action

| | |
|---|-----|
| Is further work required? | No. |
| What action is to be taken? | |
| Who will undertake it? | |
| When will it be done? | |
| How will it be monitored? (e.g. through service plans). | |

Signature:



Date: 30.01.24

Name: Karen Greaves

KAREN GREAVES

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk