Item: 7

Policy and Resources Committee: 21 June 2022.

Governance Arrangements.

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

1. Purpose of Report

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

2. Recommendations

The Committee is invited to note:

2.1.

That, as COVID-19 restrictions have eased since the end of April 2022, current guidance is to retain some health protection measures such as good room ventilation, carbon dioxide level monitoring, hand sanitising and face coverings.

2.2.

That in-person meetings have resumed in the Council Chamber, commencing with the induction programme for the new Council, as well as meetings of the Council, its committees, and sub-committees, with public attendance also permitted in the Public Gallery.

2.3.

That, as the technology in the Council Chamber has been upgraded with the installation of cameras linked to the microphone system and Microsoft Teams, consideration has been given to the appropriateness of a hybrid approach for meetings of the Council, its committees and sub-committees.

2.4.

The options appraisal detailed in section 6 of this report, with the preferred option being Option 1, namely the status quo of in-person meetings and remote participation in specific circumstances.

2.5.

That circumstances in which remote attendance is appropriate have been reviewed, as well as guidance for those attending remotely in order to guarantee an appropriate environment for a formal Council meeting, with proposals detailed in sections 6.3 and 6.4 respectively of this report.

It is recommended:

2.6.

That meetings of the Council, its committees and sub-committees, be held in person, with remote participation permitted in the following specific circumstances:

- Weather or travel disruption.
- Carer responsibilities as agreed with the Chair/Vice Chair.
- Health issues which prevent travel (not participation).
- Attendance on Council business outwith Orkney and unable to travel back in time for the formal meeting.

2.7.

That the Chief Executive should arrange for Standing Orders, including the Protocol for Remote Attendance, to be amended to include the requirements for members attending remotely and to guarantee an appropriate environment for a formal Council meeting.

3. Background

3.1.

On 15 September 2021, when considering governance arrangements to support effective decision making, the Council resolved:

- That, subject to Scottish Government guidance in place at that time, Option 2, namely the return to 'in-person' Council meetings in the Chamber, be implemented with effect from 1 October 2021, but limited to meetings where the number of attendees was contained within the limit of 23 persons physically present in the Chamber and five in the public gallery.
- That the technological equipment in the Council Chamber be upgraded to facilitate blended meetings.
- That, in the event that guidance from the Scottish Government became more restrictive again, powers be delegated to the Chief Executive, in consultation with the Convener and the Leader, to determine that meetings of the Council, and its committees and sub-committees revert to remote attendance and be held virtually.

3.2.

Whilst some meetings of the Council's committees and sub-committees were planned to be held in-person, due to the subsequent increase in transmission of the Coronavirus within Orkney, all meetings reverted to online by Teams shortly after this decision.

4. Current Situation

4.1.

COVID-19 restrictions have eased since the end of April 2022 and current guidance is to retain some health protection measures such as good room ventilation, carbon dioxide level monitoring, hand sanitising and face coverings. Testing is not currently required however, if anyone feels unwell, they are advised not to attend an in-person meeting.

4.2.

As a result, in-person meetings have resumed in the Council Chamber, commencing with the induction programme for the new Council and the meetings of the Council, its committees, and sub-committees. Public attendance is also permitted in the Public Gallery.

4.3.

The technology in the Council Chamber has been upgraded with the installation of cameras linked to the microphone system and Microsoft (MS) Teams. Some blended informal meetings have been held using the new technology; however this is in the early stages of being used and some improvements in its use have been identified to ensure an enhanced experience for users.

5. Formal Meetings of the Council and its Committees and Sub-Committees

5.1.

Whilst virtual meetings have been an effective method to continue Council business during the restrictions, participants recognise the value of in-person meetings which allow attendees to express themselves through body language and facial expressions.

5.2.

Some participants have also experienced connectivity problems during formal 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.

5.3.

Consideration has therefore been given to the appropriateness of a hybrid approach to the meetings of the Council, its committees and sub-committees.

6. Options Appraisal

6.1.

The following options are therefore presented for consideration:

- Option 1 – Status Quo - all meetings of the Council, its committees and sub-committees are held in person. The Standing Orders currently allow for remote attendance subject to the discretion of the Chair or Vice Chair. This has historically been permitted when attendees have experienced transport disruption.
  - o Advantages are that in-person meetings are more effective in facilitating communication and debate to support decision making. Historically, remote attendance is usually limited to a very small number of elected members.
  - o Disadvantages are that all members are required to travel to the Council Chamber, and claim travel expenses, to participate. The parameters for approving remote attendance are not currently articulated.
- Option 2 – Full Hybrid Option offered. All meetings of the Council, its committees and sub-committees would be available for attending remotely via MS Teams.
  - o Advantages are that travel time and expenses would be reduced and elected members may welcome the flexibility this option offers.
  - o Disadvantages include the running of the meeting is not as effective with a mixture of in-person and remote attendees. There would be no limit on the number of members who may choose to participate remotely and the participation of members attending remotely may be constrained, and potentially ceased due to connectivity issues.

6.2.

The recommended option is Option 1 as this provides the most appropriate environment to support the decision making of the Council. It is recognised however that the guidance on the circumstances in which remote attendance is appropriate should be reviewed and articulated. The following has been developed for consideration.

6.3.

The Standing Orders would be amended to include remote attendance would be granted for:

- Weather or travel disruption.
- Carer responsibilities as agreed with the Chair/Vice Chair.
- Health issues which prevent travel (not participation).
- Attendance on Council business outwith Orkney and unable to travel back in time for the formal meeting.

6.4.

Those attending remotely would need to guarantee that they have access to a facility which would provide them with an environment that ensures that they can participate remotely and able to give the meeting their undivided attention – as if they were in the Chamber. They would have 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.

6.5.

If agreed, the Council's Standing Orders would be amended to include these provisions.

6.6.

In recognising the advantages of remote attendance however, these proposals only apply to formal meetings of the Council, its committees, and sub-committees. The use of a hybrid model for informal meetings and seminars will be encouraged where it is appropriate to ensure the most effective use of elected member and officer time.

7. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 1 to this report.

8. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

9. Financial Implications

Whilst there would be some savings in travel expenses for elected members if the hybrid model enabled remote attendance to be more accessible routinely, it is recognised that the more effective conduct of Council Meetings outweighs this potential saving.

10. Legal Aspects

There are no legal implications arising from this report.

11. Contact Officers

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

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

12. Appendix

Appendix 1: Equality Impact Assessment.

ORKNEY
ISLANDS COUNCIL

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
Date of assessment.	24/05/22
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Existing policy reviewed to clarify circumstances and environmental criteria for remote attendance.

2. Initial Screening

What are the intended outcomes of the function / policy / plan?	To ensure continued decision making through Council meetings.
Is the function / policy / plan strategically important?	Yes.
State who is, or may be affected by this function / policy / plan, and how.	All Councillors, Officers and wider public interest
How have stakeholders been involved in the development of this function / policy / plan?	Councillors and officers

|	
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).	Existing policies for decision making were adapted during the pandemic to enable digital / remote attendance. The proposal recommends the continuation of this facility in certain circumstances. Poor digital connectivity is frequently cited as an issue affecting rural areas and indeed, Orkney Islands Council recognise the impact of not having access to resilient, effective and high speed digital communications.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. 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.	(Please complete this section for proposals relating to strategic decisions).
Could the function / policy have a differential impact on any of the following equality areas?	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).
1. Race: this includes ethnic or national groups, colour and nationality.	None – all have access to meetings either in person or through virtual means.
2. Sex: a man or a woman.	None – all have access to meetings either in person or through virtual means.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	None – all have access to meetings either in person or through virtual means.
4. Gender Reassignment: the process of transitioning from one gender to another.	None – all have access to meetings either in person or through virtual means.
5. Pregnancy and maternity.	None – all have access to meetings either in person or through virtual means.
6. Age: people of different ages.	None – all have access to meetings either in person or through virtual means.
7. Religion or beliefs or none (atheists).	None – all have access to meetings either in person or through virtual means.

8. Caring responsibilities.	None – all have access to meetings either in person or through virtual means.

Potential positive impact – having the ability to attend a council meeting virtually is likely to provide greater flexibility which could positively impact those with caring responsibilities. |
| 9. Care experienced. | None – all have access to meetings either in person or through virtual means. |
| 10. Marriage and Civil Partnerships. | None – all have access to meetings either in person or through virtual means. |
| 11. Disability: people with disabilities (whether registered or not). | (Includes physical impairment, sensory impairment, cognitive impairment, mental health)

None – all have access to meetings either in person or through virtual means.

Potential differential impact - Increasing the use of digital services can provide greater flexibility for some people with disabilities in terms of provision for personal computer settings and assistive technology.

Some disabilities however, can have a negative impact on the ability to use digital / virtual technology. |
| 12. Socio-economic disadvantage. | None – all have access to meetings either in person or through virtual means.

Potential differential impact - Age UK statistics suggest that people in higher socio-economic groups are more likely to use the internet than those in lower groups. |

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	Yes.
How could you minimise or remove any potential negative impacts?	Staff and councillors will be adequately informed and trained on the use of digital / virtual technology.

There are regular opportunities for feedback and additional support / adjustments can be provided on a case by case basis.

Where connectivity is poor, option for telephone dial in or audio only is available. |
| 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?	None.
Who will undertake it?	
When will it be done?	
How will it be monitored? (e.g. through service plans).	
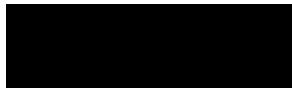
Signature: ███████████   Date: 24/05/22

Name: KAREN GREAVES   (BLOCK CAPITALS).

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