

## **Item: 18**

### **General Meeting of the Council: 6 October 2020.**

#### **Governance Arrangements.**

#### **Report by Chief Executive.**

### **1. Purpose of Report**

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

### **2. Recommendations**

The Council is invited to note:

#### **2.1.**

That, at the General Meeting held on 23 March 2020, the Council agreed temporary amendments to the Standing Orders, attached as Appendix 1 to this report, in order to facilitate efficient and timely decision making in response to the Coronavirus Pandemic.

#### **2.2.**

That the cycle of formal service Committee and Sub-committee meetings resumed following the summer recess, with the continuation of remote/virtual attendance.

#### **2.3.**

That, as the Scottish Government has not entered into Phase 4 of easing of restrictions, the proposal that the cycle of council meetings continue to be held virtually using Microsoft Teams.

#### **2.4.**

That, conducting Council meetings virtually will remain under review, in line with the Scottish Government's phased easing of lockdown restrictions, and considered no later than the General Meeting of the Council to be held on 2 March 2021.

#### **2.5.**

That, in order to facilitate the smooth running of virtual meetings using Microsoft Teams, a protocol has been developed, attached as Appendix 2 to this report.

**It is recommended:**

**2.6.**

That the temporary amendments to the Standing Orders, referred to at paragraph 2.1 above, continue to remain in place, to be reviewed at the General Meeting of the Council to be held on 2 March 2021.

**2.7.**

That the protocol for remote attendance, attached as Appendix 2 to this report, be approved and appended to the Council's Standing Orders.

**2.8.**

That powers be delegated to the Chief Executive to amend and thereafter publish the Council's Standing Orders to reflect the addition of the protocol, referred to at paragraph 2.7 above.

**2.9.**

That, in order to allow flexibility, the temporary suspension of the policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review, should remain in place, to be reviewed at the General Meeting of the Council to be held on 2 March 2021.

### **3. Background**

**3.1.**

At the Special General Meeting held on 23 March 2020, the Council agreed temporary amendments to the Standing Orders, attached as Appendix 1 to this report, in order to facilitate efficient and timely decision making in response to the Coronavirus Pandemic emergency.

**3.2.**

It was agreed that these temporary amendments would be reviewed at the General Meeting of the Council to be held on 6 October 2020.

**3.3.**

At the Special General Meeting held on 30 June 2020, the Council noted the proposal to resume the normal committee cycle of meetings after the summer recess, with the continuation of remote/virtual attendance at least for the first cycle. This enabled items to be considered by the relevant committees and/or sub-committees as set out in the Scheme of Administration, rather than calling Special General Meetings of the Council as and when required.

### **3.4.**

In addition, it was agreed that a protocol for remote attendance at Council meetings as part of the review of the emergency governance arrangements be developed and considered at the General Meeting of the Council on 6 October 2020.

## **4. Proposed Continued Governance Arrangements**

### **4.1.**

In considering the ongoing response to the impact of the Coronavirus Pandemic, the Scottish Government has not yet entered Phase 4 of its Route Map of a phased easing of lockdown restrictions. The impact of this is that, where possible, it is recommended that Council staff and elected members continue to work from home.

### **4.2.**

Due to the ongoing impact of the pandemic, there currently remains a risk of short-term tighter lockdown restrictions rather than a further easing into Phase 4. However, the situation remains subject to change at short notice and it is therefore proposed that the cycle of council meetings continue to be held virtually using Microsoft Teams, and this will be reviewed in line with the Scottish Government's phased easing of lockdown restrictions.

### **4.3.**

In order to facilitate the smooth running of the virtual meetings using Microsoft Teams, a remote attendance protocol, attached as Appendix 2 to this report, has been developed. The draft protocol covers the guiding principles for running formal Council meetings through Teams to assist the Chairperson in chairing as effectively as possible and enabling participation of attendees.

### **4.4.**

If approved, it is proposed that the protocol be appended to the Council's Standing Orders. This will also necessitate minor amendments to the wording of the Standing Orders, particularly in relation to remote attendance (Standing Order 8.9) and it is further proposed that powers be delegated to the Chief Executive to make those amendments and thereafter publish the revised Standing Orders.

### **4.5.**

Due to the ongoing need for remote working for staff and elected members, and the need to continue remote attendance at Council meetings, it is proposed that the temporary amendments to the Council's Standing Orders, referred to at section 3.1 above, continue in force and are reviewed at the General Meeting to be held on 2 March 2021.

## **4.6.**

The effectiveness of these arrangements, together with consideration of a number of potential improvements to the running of committee meetings and associated processes, will be discussed at a seminar for Elected Members.

## **5. Local Review Body**

### **5.1.**

At the Special General Meeting held on 6 May 2020, the Council was advised that, as a result of existing Council policy, there were three outstanding reviews which could not be progressed due to restrictions imposed on social distancing and group activities as a result of the COVID-19 emergency.

### **5.2.**

The Council subsequently agreed that, as a result of restrictions imposed by the COVID-19 emergency, the policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review, be temporarily suspended, to be reviewed at the General Meeting of the Council to be held on 6 October 2020.

### **5.3.**

In addition, powers were delegated to the Chief Executive to withdraw the temporary policy suspension, referred to above, when the circumstances of the present COVID-19 emergency allowed, namely when there were changes to the current social distancing and group activity restrictions that would allow normal arrangements to resume.

### **5.4.**

Members will recall that, as lockdown restrictions were reviewed and eased, the Planning Committee resumed operation and undertook outstanding site inspections in order that planning applications could proceed without further delay.

### **5.5.**

Accordingly, arrangements were also made to undertake site inspections of the three sites which were the subject of a Notice of Review, in accordance with extant policy. However, for the reasons outlined in section 4.1 above, it is proposed that the temporary suspension of the policy should continue meantime, to allow options for the Local Review Body, should further Notices of Review be lodged. Again, it is proposed that the situation be reviewed no later than the General Meeting of the Council scheduled for 2 March 2021.

## **6. Equalities Impact**

An Equality Impact Assessment has been undertaken and is attached as Appendix 3 to this report.

## **7. 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.

## **8. Financial Implications**

There are not anticipated to be any direct financial implications arising from the proposals contained in this report.

## **9. Legal Aspects**

The Local Government (Scotland) Act 1973, as amended, makes provision for the regulation of meetings of local authorities.

## **10. Contact Officers**

John W Mundell, Interim Chief Executive, extension 2101, Email [chief.executive@orkney.gov.uk](mailto:chief.executive@orkney.gov.uk)

Karen Greaves, Head of Executive Support, extension 2202, Email [karen.greaves@orkney.gov.uk](mailto:karen.greaves@orkney.gov.uk)

## **11. Appendices**

Appendix 1 – Temporary Revisions to the Standing Orders.

Appendix 2 – Draft Protocol for Remote Attendance.

Appendix 3 – Equality Impact Assessment.

Appendix 1.

## Temporary Amendments to Standing Orders

The following temporary amendments to the Standing Orders are approved, with effect from 23 March 2020, to be reviewed by Council on 6 October 2020:

Standing Order.	Amendment.	Outcome(s).
<p>Publication of Time and Place of Meeting.</p> <p>6.2 – At least three Clear Days before a Meeting, and normally seven days before a Meeting, the Chief Executive must:</p> <p>6.2.2. Issue the Agenda to Members.</p>	<p>To reduce the number of Clear Days to one.</p>	<p>To allow meetings to be called at short notice – in particular within the same working week.</p> <p>Noting that this is the issue of the agenda (ie the list of business to be considered) calling the meeting. Reports may be presented as late as the time of the meeting.</p>
<p>Remote Attendance.</p> <p>8.12 – A Member participating in a Meeting from a remote location will be excluded from the Meeting when an item of business is being considered and it is likely that Confidential Information and/or Exempt Information will be disclosed.</p>	<p>Suspend SO 34 upon receipt of written assurance from a Member attending a meeting from a remote location that the proceedings of the meetings will not be heard by any person in their vicinity.</p>	<p>To allow Members to be able to participate in all business in particular at short notice.</p>
<p>Standing While Speaking.</p> <p>12.3 – At General Meetings of the Council, Members shall stand when speaking, and shall address the Convener.</p>	<p>Suspend the need to stand up and speak at the items of business in connection with the coronavirus.</p>	<p>To effect business during the meeting, particularly with items which may require lengthy discussion.</p> <p>Note – this SO only applies at General Meetings of the Council.</p>

<b>Standing Order.</b>	<b>Amendment.</b>	<b>Outcome(s).</b>
<p>Agenda Management – General Principles.</p> <p>14.1 – In order to ensure that the Council receives appropriate and necessary advice before making decisions, Agendas shall consist of reports from the Chief Executive, Executive Directors and Statutory Officers.</p> <p>14.3 – Reports must be lodged, in completed form, with the Chief Executive by the dates specified, namely 12:00 three working days prior to the day on which the Agenda is to be issued.</p>	<p>New information may require to be provided via a verbal report to supplement written report.</p> <p>New written information may need to be presented on the day of the meeting.</p>	<p>To be able to present the most up to date information to enable members to make an informed decision at the meeting.</p>

# Protocol for Remote Attendance

The following procedures/protocols apply to all Council meetings where access to the meeting is through the Microsoft Teams platform. These procedures should be read alongside the Council's Standing Orders.

## 1. Prior to the Meeting

All relevant members will be issued with an invitation to the meeting.

The agenda and reports will be published electronically in the normal way.

Prior to entering the meeting members should check that their device is fully charged or is connected to a supply of electricity.

Members should log onto the Teams platform in good time prior to the start of the meeting to ensure there are no issues. You join the meeting by opening the meeting invite on your calendar and clicking on the "Join Microsoft Teams meeting" link.

If members are not able to access the Teams meeting by the start time of the meeting, and/or there be an issue with the video connection, they will be given the option to participate by telephone. The audio conferencing details are included in the meeting invite.

Please ensure that mobile phones, and any nearby landline phones, are switched off or on silent mode to avoid unnecessary interruptions.

Find a suitable location for the meeting, where you will be comfortable and will not be disturbed. Smart speakers, such as Amazon Echo (Alexa), Google Home or smart music devices, may be recording phone/video conversations and this could be an inadvertent breach of GDPR. It is strongly advised that any such device that connects to the Internet should be turned off or moved out of the room in which you are working. This is particularly important for meetings that include exempt or confidential items.

Please consider your location and what is visible in the background. A plain wall can create a good background and you should remove anything that you may not wish to be on view such as family photos or recognisable products/brands. Please also check any glass or mug used for drinking is neutral, with no particular branding, slogans or images which could be viewed as offensive. A corporate background image can be provided if requested.

## 2. Microsoft Teams Functions

### Options Bar

If you have joined the meeting via Teams, you will see an Options Bar – where this bar appears on your screen and the order of the icons will depend on the version of Teams you have installed:

- A toolbar will appear if you hover your mouse over the screen. Or.



- The Options bar will appear across the top of your screen.

The Options Bar has 8 functions:

- Camera – used to switch your camera off and on.
- Microphone – used to mute/unmute your audio.
- Share – provides sharing screen options which will only be utilised by officers providing presentations.
- Ellipsis (more actions) button – provides a further 8 options. The only one which may be used is “Background Effects”.
- Raise hand – selecting this will raise your hand against your video and the participant list.
  - The order of raised hands is also shown in the participant list, with the first person moving to the top, immediately below the organiser of the meeting.
- Conversation – this allows you to “chat” with all other participants in the meeting. This is **not** a private chat, but a meeting chat, and can be seen by all participants who have been invited to the meeting – regardless of whether they are present at the meeting or not.
  - Use to alert the Chair that you wish to speak – please do not use this function for any other purpose.
- Participants – shows all participants in the meeting (in alphabetical order by first name).
- Hang up/Terminate – participants can terminate the call via the red handset which allows them to leave the meeting and re-join if they select the “join” button from the invite.

## Camera

Members should have their video on and should only switch this off, if it is having a detrimental impact on their internet connection.

Depending on the latest update from Microsoft, the number of participants remaining on your screen at any one time varies, with your image in a small box in the corner. When you have finished speaking, please remember that you will remain on screen until a number of other people have spoken. Please therefore assume at all times that what you are saying and/or doing is visible in the same way as it would in a committee room, even if you cannot see and hear other participants. This is particularly relevant in the following circumstances:

- If you choose to get up and leave – other participants will see an empty chair.
- In order to avoid others seeing anything on camera that might be embarrassing.
- If you leave your microphone unmuted – any noise in the room is picked up, and you will be on camera without realising.

## Microphone

All participants, other than the Chair, should begin the meeting with their microphones on mute – this is to prevent echo.

Participants should only have their microphone unmuted when invited to speak by the Chair. Please ensure that you mute your microphone when you have finished.

Should any member fail to mute their microphone, Committee Officers will mute it automatically.

### **Conversation or Chat Function**

Because not everyone will be immediately visible to the Chair, if you wish to speak, type “speak”, “question” or “comment” in the chat box and submit.

You may also type ‘Speak on this topic’ if there are a number of indications and you want to ensure you are brought in on the current topic being discussed.

Your wish to speak will be noted and you should wait to be invited to speak by the Chair.

You could also use this chat to type a short message if you are having technical difficulties and are unable to contribute / participate. Alternatively, if the chat function is not working for any reason, “raise your hand” can be used to indicate you wish to speak.

Try not use the chat for typing questions or other comments, unless you are having difficulties with the audio / video, as the Chair needs to keep track of who wishes to speak.

The Chair will monitor the chat and will endeavour to bring people in to speak in the order on the chat.

## **3. At the Meeting**

Prior to the start of the formal meeting, once all members, officers and the person recording the meeting are present, the Chair should remind participants of the following protocols:

- Only the Clerk should admit external participants “waiting in the lobby” to the meeting.
- This is a formal Council meeting therefore all comments should be addressed through the Chair. Teams should be treated as a virtual “chamber” meeting, and all normal protocols remain the same.
- If you would like to speak, please use the Chat function – simply type “speak” or “question”. Please note that the Chat function is NOT a private chat and all participants, including press representatives, can see the Chat.
- The “show hand” function does not show/work for everyone, depending on how you access the meeting, hence use of the Chat function is the default method.
- If you are not speaking, please ensure your microphone is turned off – if not, background noise can be picked up and/or feedback occur.
- Please ensure your background does not inadvertently advertise any particular product; a blank wall is preferable. Use of the Background features in Teams can affect your connection and cause breakup, particularly when “share screen” is used for presentations.
- The press representatives have been advised that their camera should be off and their microphones muted.

The Clerk should then admit the press representatives to the meeting.

If required, the Clerk should do a roll call to confirm those present.

The Chair can then commence the formal meeting and the formal recording of the meeting will start.

### **Declaration of Interest**

Where a member has declared an interest which requires them to leave the meeting, they will require to exit the meeting by pressing the red “hang up” button.

The Clerk and/or the Committee Services representative will then reinvite the meeting the rejoin the meeting when that business is concluded – this will appear as a pop-up on your screen.

Please note that presence/lack of will be monitored by officers through the “Show Participants” feature. A member must not re-join the meeting until they received an invitation from the Clerk.

### **Quasi-judicial business**

Members are reminded that, if quasi-judicial business is being considered, such as planning applications, licensing applications, Notices of Review or appeals, they should remain for the entire item. If they have to leave the meeting during consideration of any relevant item, they are unable to participate or vote on their return.

### **Moving into Private Business**

Just prior to the close of the public part of the meeting, the Chair will move that the remainder of the meeting will be held “in Committee” and seek a seconder. Once seconded, and agreed, the recording of the meeting, if applicable, will cease and members will be asked to “hang up”.

A separate invite will be issued for the “private” session of the meeting.



## 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.

<b>1. Identification of Function, Policy or Plan</b>	
Name of function / policy / plan to be assessed.	Governance Arrangements during the Pandemic
Service / service area responsible.	Chief Executive's Service
Name of person carrying out the assessment and contact details.	Karen Greaves
Date of assessment.	29/09/20
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Change to method of provision in response to Coronavirus Pandemic safety measures. Temporary changes to the way in which the public can access the meetings in that the recording is available rather than the live stream.

<b>2. Initial Screening</b>	
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 /	Existing policies for decision making remain in

<p>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).</p>	<p>place but adapted to enable them to be undertaken using digital / remote attendance. The Council's Standing Orders have been amended accordingly. This practice enables decision making to continue for the Council.</p> <p>Poor digital connectivity is frequently cited as an issue effecting rural areas and indeed, Orkney Islands Council recognise the impact of not having access to resilient, effective and high speed digital communications.</p>
<p>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 <a href="#">The Fairer Scotland Duty Interim Guidance for Public Bodies</a> for further information.</p>	<p>(Please complete this section for proposals relating to strategic decisions).</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>None – all have access to meetings through virtual means.</p>
<p>2. Sex: a man or a woman.</p>	<p>None – all have access to meetings through virtual means</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>None – all have access to meetings through virtual means</p>
<p>4. Gender Reassignment: the process of transitioning from one gender to another.</p>	<p>None – all have access to meetings through virtual means</p>
<p>5. Pregnancy and maternity.</p>	<p>None – all have access to meetings through virtual means</p>
<p>6. Age: people of different ages.</p>	<p>None – all have access to meetings through virtual means</p>
<p>7. Religion or beliefs or none (atheists).</p>	<p>None – all have access to meetings through virtual means</p>
<p>8. Caring responsibilities.</p>	<p>All have access to meetings through virtual means.</p>

	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 through virtual means
10. Marriage and Civil Partnerships.	None – all have access to meetings through virtual means
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health) All have access to meetings 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.	All have access to meetings 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.
13. Isles-proofing.	All have access to meetings through virtual means. Potential differential impact - Poor digital connectivity is frequently cited as an issue affecting rural areas.

### 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?	
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#### 4. Conclusions and Planned Action

Is further work required?	No.
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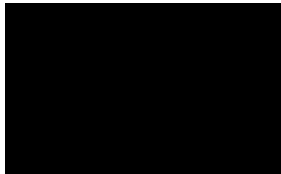
What action is to be taken?	None.
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Who will undertake it?	
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When will it be done?	
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How will it be monitored? (e.g. through service plans).	
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Signature:



Date: 29/09/20

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](mailto:hrsupport@orkney.gov.uk)