

Item: 3

Special General Meeting of the Council: 23 March 2020.

Special Governance Arrangements during the Coronavirus Pandemic.

Report by Chief Executive.

1. Purpose of Report

To consider special governance arrangements to facilitate efficient and timely decision making in response to the Coronavirus Pandemic.

2. Recommendations

The Council is invited to note:

2.1.

That, on 11 March 2020, the World Health Organisation (WHO) classified the Coronavirus as a Pandemic.

2.2.

That the Council has stood up the Strategic and Tactical Incident Management Teams to update planning, response and business continuity arrangements.

2.3.

That a number of practical operational issues have been agreed, as detailed in section 3.7 of this report.

2.4.

That, in terms of the Scheme of Delegation to Officers, the Chief Executive holds delegated powers to enable him/her to carry out his/her role in an emergency.

2.5.

That, notwithstanding paragraph 2.4 above, the Chief Executive will endeavour to involve elected members in relevant decision making wherever possible.

2.6.

That a review of the Standing Orders would suggest that temporary amendments could be considered to facilitate more efficient and timely decision making enabling the Council to act swiftly to provide an appropriate and proportionate response to the impact of the Coronavirus Pandemic.

2.7.

That further actions will be necessary in the coming days and weeks, including the potential for the Council to declare the Coronavirus Pandemic a Major Emergency.

It is recommended:

2.8.

That the temporary amendments to the Standing Orders, as detailed in section 4.6 of this report, be approved, to be reviewed at the General Meeting of the Council to be held on 6 October 2020.

3. Background

3.1.

On 11 March 2020, the World Health Organisation (WHO) classified the Coronavirus as a Pandemic. In accordance with that assessment, the UK Government and Scottish Government regularly review the fast moving situation and guidance is issued daily to try to minimise the spread of the virus and the impact on health services.

3.2.

The Council has stood up the Strategic and Tactical Incident Management Teams to update planning, response and business continuity arrangements. Services are also reviewing their own business continuity arrangements. Regular guidance is being issued to staff and press releases to update the community.

3.3.

The Strategic Management Team has agreed the following strategy for response:

- Protecting human life, property and the environment.
- Minimising the harmful effects of COVID-19 e as far as they affect Orkney.
- Maintenance of Council services as far as possible.
- Managing and supporting an effective co-ordinated response for the community and local businesses in close liaison with key partners.

3.4.

As of 17 March 2020, the UK guidance included measures which will impact on the ability of the Council to support the response to the Coronavirus Pandemic and at the same time deliver key services to those who need them.

3.5.

In recognising the challenges ahead, it is important to ensure that the core decision making processes are fit for purpose during the Coronavirus Pandemic to enable the Council to ensure the most vulnerable in the community receive the services they need. The Council will need to be flexible, responsive and creative in order to respond to and support the impact of the Coronavirus Pandemic.

3.6.

At a recent briefing for elected members, officers provided information on the Council's response to the Coronavirus Pandemic. Planning for the impact of the Coronavirus Pandemic has been underway for a number of weeks and the Council is in a state of preparedness as far as is possible. The situation is constantly changing and the importance of regular communications for elected members, staff, service users and the general public was emphasised.

3.7.

A number of practical operational issues were discussed at the briefing session and the following measures were agreed:

- The priority is ensuring the most vulnerable people in the community receive the services they need.
- Members to promote the use of NHS Inform <https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19> by members of the public to seek information on the latest guidance.
- In order to prevent the spread of the virus to the isles / communities, Elected Members should not attend any meetings in person within the community unless it is being held to support the resilience of the community in response to the Pandemic. This includes Community Council and Parent Council meetings.
- Elected Member travel outwith Orkney and to the Isles (for non-isles ward members) will cease unless it is an exception to facilitate the response to the Coronavirus Pandemic.
- In compliance with national guidance, the increased use of remote attendance for Council meetings will be explored to ensure governance processes can continue during the Coronavirus Pandemic.
- There will be weekly Monday meetings to update members.
- Consideration will be given to formalising some special governance arrangements to facilitate the Council's efficient response to the Coronavirus Pandemic.

4. Governance during the Coronavirus Pandemic

4.1.

The Chief Executive holds delegated powers to enable him/her to carry out his/her role in an emergency, as contained within the current Scheme of Delegation to Officers:

“The Chief Executive holds the following delegated powers to enable him/her to carry out these functions, without prejudice to all statutory duties, responsibilities and powers exercisable by him/her, as follows:

2.2.4. To take action on behalf of the Council where considered necessary in the event of an emergency, or as required as a matter of urgency, following consultation with the Convener, the Leader and Depute Leader, and/or the Chair and Vice Chair of the relevant service committee.

2.2.5. To designate Chief Officers to perform such functions of the Chief Executive as may be required.

2.2.35. To exercise strategic responsibility in respect of the Council’s functions relating to civil contingencies.”

4.2.

The Authority’s response will be controlled and co-ordinated by the Chief Executive, acting in his/her capacity as the Emergency Controller.

4.3.

Notwithstanding sections 4.1 and 4.2 above, the Chief Executive will endeavour to involve elected members in relevant decision making wherever possible. Whilst elected members are not required to be involved in the operational and day to day decision making currently delegated to officers, there could be strategic and policy matters which require consideration in relation to the Council’s response to the Coronavirus Pandemic.

4.4.

A review of the Standing Orders would suggest that temporary amendments could be considered to facilitate more efficient and timely decision making enabling the Council to act swiftly to provide an appropriate and proportionate response to the impact of the Coronavirus Pandemic.

4.5.

Examples of types of reports which may be presented in connection with the Coronavirus Pandemic could be:

- A local solution to be considered in response to the issue of national recommendations for councils to consider as a response to support communities, and local businesses from the impact of the Coronavirus Pandemic.
- Urgent consideration of financial matters of the Council in relation to the Coronavirus Pandemic.
- Consideration of support for local organisations / businesses as a result of the impact of the Coronavirus Pandemic (outwith the current delegation to the Development and Infrastructure Committee in relation to Economic Development), or, a report to consider the Economic Development budget for this purpose.

- Any amendment to Council policy to facilitate resilience and recovery as a result of the Coronavirus Pandemic.
- Any decision on amending or prioritising Council services due to the impact of the Coronavirus Pandemic.

4.6.

It is proposed that the following temporary amendments to the Standing Orders be made:

Standing Order.	Proposed Amendment.	Intended Outcome(s).
<p>Publication of Time and Place of Meeting.</p> <p>12 – At least three Clear Days before a Meeting, and normally seven days before a Meeting, the Chief Executive must:</p> <p>12.2. 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>34 – 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>52 – 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>

Standing Order.	Proposed Amendment.	Intended Outcome(s).
<p>Agenda Management – General Principles.</p> <p>60 – 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>62 – 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>

4.7.

It is proposed that these temporary arrangements are reviewed at the General Meeting of the Council to be held on 6 October 2020.

4.8.

Due to the fast pace of response to the Coronavirus Pandemic, which results in guidance being reviewed frequently and additional measures introduced, further actions will be necessary in the coming days and weeks. This could include the potential for the Council to declare the Coronavirus Pandemic a Major Emergency.

5. 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.

6. Financial Implications

There are not anticipated to be any direct financial implications arising from the proposed temporary changes to the Council Standing Orders.

7. Legal Aspects

The Local Government (Scotland) Act 1973, as amended, makes provision for the regulation of meetings of local authorities and specifically authorises the Council to make Standing Orders for the regulation of its proceedings and business.

8. Contact Officers

John W Mundell, Interim Chief Executive, extension 2101, Email
chief.executive@orkney.gov.uk

Karen Greaves. Head of Executive Support, extension 2202, Email
karen.greaves@orkney.gov.uk