

CORONAVIRUS (COVID-19)**REVIEW OF THE CONTINUED ROLE OF THE BUSINESS CONTINUITY COMMITTEE**

1. EXECUTIVE SUMMARY

1.1 At the special Council meeting held on 31 March 2020 a report was tabled which highlighted the need for the Council to take steps to reduce risks for its Members, Staff and citizens arising from Coronavirus (COVID-19), to ensure that the Council is able to continue to exercise its essential functions.

1.2 The Council:-

- Noted the existing emergency powers available to the Chief Executive, and agreed the widening of the associated consultation provisions;
- Agreed the temporary arrangements for conducting Council business - constitution of a temporary committee known as the Business Continuity Committee (BCC) to exercise all of the powers of the Council for a finite period of time; and
- Noted the position regarding public access to meetings.
- Agreed that the operation of the BCC be reviewed by the end of June

1.3 Following a review of the continued role of the BCC, and associated matters, it is recommended that Members:-

- i. Agree that all Area Committees and Strategic Committees (with the exception of the Policy and Resources (P&R) Committee) scheduled for August/ September will resume on a virtual basis, with a restricted number of agenda items.
- ii. Agree that the BCC will, in the meantime, continue its role, exercising all delegated functions from the Council and the Policy and Resources Committee.
- iii. Agree that a further review of the operation of the BCC and committees will be undertaken and reported to the Council meeting scheduled for 24th September 2020.
- iv. Note the log of decisions that have been taken in consultation with the Leadership Group, set out in appendix 1.
- v. In terms of Section 35 of the Local Government in Scotland Act 1973, agree to approve the non-attendance of any member at any meeting of the authority for the period up to and including the Council meeting scheduled for 24th September 2020.

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2. INTRODUCTION

- 2.1 The Council is currently responding to the global Covid-19 pandemic and is focused on resilience activity and maintaining critical frontline services. In order to provide capacity and focus in dealing with this response, and adhere to advice and guidance from the UK and Scottish Governments, it has delegated emergency powers and established a Leadership Group (comprising the Council Leader, Depute Leader, and Leader of the SNP Group - as the largest Opposition group) to ensure appropriate focus and oversight of decisions.

3. RECOMMENDATIONS

Members are invited to:-

- 3.1 Agree that all Area Committees and Strategic Committees (with the exception of the Policy and Resources (P&R) Committee) scheduled for August/September will resume on a virtual basis, with a restricted number of agenda items.
- 3.2 Agree that the BCC will, in the meantime, continue its role, exercising all delegated functions from the Council and the Policy and Resources Committee.
- 3.3 Agree that a further review of the operation of the BCC and committees will be undertaken and reported to the Council meeting scheduled for 24th September 2020.
- 3.4 Note the log of decisions that have been taken in consultation with the Leadership Group, set out in appendix 1.
- 3.5 Agree to approve the non-attendance of any member at any meeting of the authority for the period up to and including the Council meeting scheduled for 24th September 2020.

4. DETAIL**4.1 BCC Review**

- 4.1.1 At the special Council meeting on 31 March 2020 a decision was taken to put a hold on scheduled meetings and constitute a temporary committee, known as BCC, to exercise all of the powers of the council for a finite period of time.
- 4.1.2 The purpose of this report is to review the continued role of the BCC, which was to be undertaken by end June 2020.

4.1.3 The circumstances surrounding coronavirus are ever changing, with advice and guidance from the Scottish and UK Governments and Public Health Scotland being updated daily. The situation is being continually reviewed by Officers in order to inform the options available in terms of returning to a normal committee schedule.

Current Guidance

4.1.4 This report has been prepared having regard to the Scottish Government Covid-19 Routemap, which was published on 21 May 2020. This document sets out a phased approach to easing lockdown, and detailed below are the key messages/relevant considerations for the purposes of this report:-

Table 1

Phase	Date	Key messages/considerations
1	28 th May (if evidence supports)	<ul style="list-style-type: none"> • As per lockdown, physical distancing requirements in place • Frequent handwashing and hygiene measures for all • Cough etiquette is maintained • Permitted to travel locally (5 miles radius) for leisure/exercise purposes • Remote working remains the default position for those who can • Social distancing measures for those workplaces reopening • No public gatherings permitted (except for meeting of 2 households, outdoors with physical distancing)
2	To be advised (next review cycle concludes 18 June)	<ul style="list-style-type: none"> • As per above • Some relaxation of public gatherings – including:- <ul style="list-style-type: none"> – opening of registration offices for high priorities – Places of worship for private prayer – Marriages/civil partnerships minimal attendees – able to meet outside with larger groups including family and friends with physical distancing – able to meet people from another household indoors with physical distancing and hygiene measures
3	To be advised	<ul style="list-style-type: none"> • Physical distancing requirements in place • Frequent handwashing and hygiene measures for all • Cough etiquette is maintained • Can drive beyond local area for leisure and exercise purposes • Remote working remains the default position for those who can • Non-essential indoor office workplaces can open, once relevant guidance agreed, including contact centres with physical distancing. • People can meet in extended groups subject to social distancing
4	To be advised	<ul style="list-style-type: none"> • Physical distancing requirements to be updated on scientific advice

		<ul style="list-style-type: none"> • Frequent handwashing and hygiene measures for all • Cough etiquette is maintained • Further relaxation of public gatherings • mass gatherings could resume in line with public health advice • Remote and flexible working remains encouraged • All workplaces open with improved hygiene, in line with public health advice
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4.1.5 Taking account of this latest guidance it is recommended that it is possible to move away from the original lockdown position, however there are still a number of restrictions in place which significantly impacts on the ability to resume a normal committee structure. Officers are of the view that it will not be feasible to resume full physical, as opposed to virtual, council meetings until phase 4 of the Scottish Government roadmap, which is not likely to occur until later than September this year. On this basis, the following arrangements have been put in place/are proposed for the months ahead:-

- i. July – recess – no formal meetings
- ii. August /September – it is recommended that all Area Committees and Strategic Committees (with the exception of P&R) are resumed on a virtual basis. Section 43 of the Local Government in Scotland Act 2003 allows a local authority to conduct a meeting with Members in other ways, including remote meetings. In order to facilitate a smooth transition into this next phase it is proposed that initially there will be a limited number of agenda items for these meetings, focusing on priority areas of business.
- iii. It is recommended that the role of the BCC will continue in the meantime, exercising all of the powers of the Council.
- iv. A further review of the position will be undertaken and a report prepared for the Council meeting scheduled for 24th September 2020.

Decision Making – Leadership Group

4.1.6 The Council's constitution gives specific delegations to the Chief Executive. Section 3 Part C paragraph 3(A)(5) gives the Chief Executive 'power in an emergency situation to instruct executive action on any matter after consultation with the Leader or, in his/her absence, Depute Leader of the Council. This provides a basis for any urgent decisions which require to be made in response to Covid-19.

4.1.7 On 31 March 2020 the Council agreed that for the life of the Covid-19 crisis the consultation by the Chief Executive will be with the Leader, Depute Leader, and Leader of the SNP Group where available. The decisions taken in consultation with this Leadership Group are being logged on an ongoing basis and details of these can be found in Appendix 1.

4.2 Vacation of Office by Failure to Attend Meetings

4.2.1 Section 35 (1) of the Local Government Scotland Act 1973 provides that if a member of a local authority fails throughout a period of six consecutive months

to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority, cease to be a member of the authority.

- 4.2.2 Concerns have been expressed that the decisions taken at the special Council in March 2020 in response to Covid-19 may have the unintended consequence of putting a number of Members within scope of Section 35 of the Act. To remove this possibility it is recommended that the Council agrees to approve the non-attendance of any Member at any meeting of the authority for the period up to and including the Council meeting scheduled for 24th September 2020.

5.0 CONCLUSION

- 5.1 A review of the temporary arrangements for conducting Council business during the Covid-19 pandemic, and other associated matters, has been undertaken by Officers. Members are asked to consider/agree the proposals set out at section 4.1.5 and 4.2 of the report.

6.0 IMPLICATIONS

- 6.1 Policy – Emergency/urgency provisions put in place, to exist for duration of COVID-19 crisis only.
- 6.2 Financial – Any costs arising are being recorded in accordance with Scottish Government and/or COSLA guidance in the expectation that net additional costs will be reimbursed.
- 6.3 Legal – Amendment of the powers delegated to Officers and Standing Orders agreed at Council meeting on 30th March 2020 in accordance with Local Government (Scotland) Act 1973.
- 6.4 HR – none
- 6.5 Equalities/Fairer Scotland Duty – It is not anticipated that any of the recommendations in this report will have a potential negative impact on any particular group or discriminate on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.
- 6.6 Socio-economic Duty – none
- 6.7 Risk – Addresses risk associated with ensuring business continuity and resilience, in a manner that creates least risk to public health.
- 6.8 Islands – none
- 6.9 Customer Services – supports arrangements for amending decision making framework to support critical customer services.

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Executive Director with responsibility for Legal and Regulatory Support

22 June 2020

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