
Report To:	Policy & Resources Committee	Date:	7 January 2021
Report By:	Head of Legal & Property Services	Report No:	GM/LP/018/21
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	COVID-19 (Coronavirus): Proposed Temporary Resumption of Emergency Decision-Making Arrangements for Committee Meetings		

1.0 PURPOSE

- 1.1 Following the First Minister's statement to the Scottish Parliament on Monday 4 January 2021, this report recommends the resumption, for the duration of the current status of the pandemic, of the Council's emergency decision-making arrangements through the Policy & Resources Executive Sub-Committee.

2.0 SUMMARY

- 2.1 The First Minister's statement of 4 January 2021 underlines the current status of the COVID-19 emergency. The concerns specified in that statement clearly parallel the issues confronted by the community from the first days of lockdown in the period from 23 March 2020 and, indeed, the statement advises of more concern about the current situation than at any time since March last year.
- 2.2 In view of the current situation, it is appropriate for the Council to consider the resumption of its emergency governance procedures for its duration.
- 2.3 The Committee at its meeting on 24 March 2020, authorised in similar circumstances the suspension of all Council, Committee and Sub-Committee meetings at that time and delegated full powers to the Policy & Resources Executive Sub-Committee. The resumption of these emergency governance procedures at this time is entirely justifiable and the release of key officers from all services from the expectations and requirements of the normal cycle of meetings is a suitable response in these exceptional circumstances. The emergency arrangements will assist in allowing relevant staff from all services of the Council to concentrate on delivering key services at this time of emergency
- 2.4 If approved, it would be intended that reports be submitted regularly to the Policy & Resources Executive Sub-Committee in the format previously utilised to ensure that Members have clear oversight of all actions taken by relevant officers and with particular regard to service impact. In this period, actions will be taken to ensure that essential services continue to be delivered to the public, where possible given the public health situation, and that the core business of the Council is maintained with key regard to the safety of its workforce.

3.0 RECOMMENDATION

That the Committee approves that:

- 3.1 subject to 3.2, that the Council's emergency governance procedures be resumed with all appropriate powers and functions delegated to Committees being remitted to the Policy & Resources Executive Sub-Committee for the duration of the current circumstances as set out in the First Minister's statement;

- 3.2 the meetings of those Committees and Boards where finalised calling notices and agendas have already been issued and published on the Council's website – the Planning Board (6 January 2021), the Health & Social Care Committee (7 January 2021), the Audit Committee (12 January 2021) and the Environment & Regeneration Committee (14 January 2021) - will take place as planned with continuing powers to make decisions in terms of the Scheme of Administration;
- 3.3 it be delegated to relevant officers to take and implement critical decisions in situations of operational urgency to plan for and to maintain, where possible, essential public services and to maintain an Operational Log of these decisions for scrutiny by the Policy & Resources Executive Sub-Committee at every meeting;
- 3.4 it be delegated to officers to commit necessary expenditure from approved Council budgets to fund the consequences of the decisions noted within the Operational Log above and to allocate and disburse any grant funding, including humanitarian assistance, as may be determined relative to any approved policy objective or recipient.

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Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 The First Minister on 4 January 2021 made a statement to the Scottish Parliament which underlines the seriousness of the current COVID-19 pandemic. In that statement, the First Minister emphasised the critical nature of the emergency which is extremely serious and outlined further actions which are necessary to minimise the spread of the virus and its new variant. As from midnight, 4 January 2021 there is a legal requirement for all persons to stay at home except for essential purposes. The First Minister outlined that the virus is spreading faster with the new variant being more transmissible than the previously circulating strains and stated her concern that the situation is as grave as at any time since March of last year.
- 4.2 The current status of the emergency is similar to the lockdown which commenced on 23 March 2020 when this Council authorised the suspension of all of its Committee meetings at that time and delegated full powers to the Policy & Resources Executive Sub-Committee in terms of its emergency governance arrangements. This report recommends the emergency governance procedures be resumed in the interests of staff and public safety.
- 4.3 It is proposed that the emergency governance procedures be resumed with regular meetings of the Policy & Resources Executive Sub-Committee for the duration of the current stage of this emergency. If approved, there will be regular reports of business decisions and updates on the current situation to the Policy & Resources Executive Sub-Committee along with the Operational Log that was previously utilised by officers for key business and operational decisions. For this purpose, it is proposed that all powers currently delegated to the Policy & Resources Committee and to all Standing Committees be remitted to the Policy & Resources Executive Sub-Committee to exercise in these circumstances of urgency and that, accordingly, all existing delegated powers to the Council's Committees be suspended forthwith (except as referred to in paragraphs 5.2 and 5.3 below).
- 4.4 The emergency arrangements will assist in allowing relevant staff from all services of the Council to concentrate on delivering key services at this time of emergency. These officers would otherwise be focused on fulfilling the reporting requirements of the full committee cycle. Emergency governance procedures are entirely justifiable and the release of all relevant staff from the expectations and requirements of administering the normal cycle of meetings is a sensible and proportionate step in these exceptional circumstances.
- 4.5 The Policy & Resources Executive Sub-Committee will be able to review the current status of the emergency in the course of January and February pending further First Minister announcements. At that relevant time, the Policy & Resources Executive Sub-Committee will be able to determine whether it would wish to cease functioning and resume the normal Committee timetable at the earliest point desirable. In terms of the Council's financial and legal budgetary timetable, it will be necessary for the Council to convene as planned on 18 February 2021 in order to formally determine the Council Tax and with a subsequent Council meeting thereafter in March 2021 currently envisaged for budget setting purposes. It would be intended, irrespective of the status of the emergency, to fulfil the Council's responsibilities in terms of Council Tax setting by convening as a full Council on 18 February 2021 as scheduled. Also, in the meantime, it is proposed that the Members' Budget Working Group continue to meet for budget development and planning.

5.0 COMMITTEES WITH PUBLISHED AGENDAS

- 5.1 In the current cycle of Committee meetings, the following Committees have already been convened with finalised calling notices and agendas being issued and published on the Council's website:
- Planning Board – Wednesday 6 January 2021;
 - Health & Social Care Committee – Thursday 7 January 2021;
 - Audit Committee – Tuesday 12 January 2021; and
 - Environment & Regeneration Committee – Thursday 14 January 2021.
- 5.2 In view of this, it is proposed to continue with these meeting arrangements as planned, with

the Committees retaining their full delegated powers in terms of the Council's Scheme of Administration.

6.0 FINANCIAL DELEGATIONS TO OFFICERS

- 6.1 Upon any approval of this report, officers will re-commence the process of maintaining an Operational Log of all critical decisions that are taken in situations of operational urgency and to implement and plan for and maintain, where possible, essential public services.
- 6.2 Furthermore, it is proposed that delegated powers be granted to the relevant officers to ensure that timeous and effective allocation of funding is implemented in situations where there are budget allocations for approved Council policy objectives. Delegated power is also sought to make direct financial awards from Scottish Government funding or from Council sources of funding in furtherance of those policy objectives or for intended grant or support recipients.

7.0 (1) QUASI JUDICIAL BOARDS AND (2) IJB ARRANGEMENTS

- 7.1 In the meantime, for the immediate future, it would not be proposed to have any meetings of the Planning Board or the Local Review Body. At the present time, the current status of the emergency means that it would not be possible for any applicant to the General Purposes Board to attend within the Council buildings for purposes of any business. Depending on the progress of the current status of the emergency, there will be regular liaison with the Chairs of these Boards in order to ensure that any key business can be expedited where essential.
- 7.2 By reason of the particular nature of business that is considered at the Inverclyde Integration Joint Board and its relative Audit Committee, these meetings will take place in modified form as happened in the earlier stage of the lockdown.

8.0 IMPLICATIONS

8.1 Finance

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

8.2 Legal

There are no legal implications beyond the issues noted in this report.

8.3 Human Resources

There are no HR implications arising from this report.

8.4 Equalities

Equalities

(a) Has an Equality Impact Assessment been carried out?

	YES
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

8.5 Repopulation

There are no repopulation implications arising from this report.

9.0 CONSULTATIONS

9.1 The Corporate Management Team endorses this report.

10.0 BACKGROUND PAPERS

10.1 None.