

---

<b>Report To:</b>	<b>Inverclyde Council</b>	<b>Date:</b>	<b>13 June 2024</b>
<b>Report By:</b>	<b>Head of Legal, Democratic, Digital &amp; Customer Services</b>	<b>Report No:</b>	<b>LS/045/24</b>
<b>Contact Officer:</b>	<b>Lynsey Brown</b>	<b>Contact No:</b>	<b>01475 712710</b>
<b>Subject:</b>	<b>Use of Powers Delegated to the Chief Executive (Emergency Powers) in respect of (a) livestreaming of committee meetings; (b) postponement of electrical testing contract, Greenock Municipal Buildings, Greenock, and (c) amendment of polling scheme</b>		

---

## **1.0 PURPOSE AND SUMMARY**

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to note the use of Emergency Powers by the Chief Executive to (a) approve the temporary cessation of relevant committee and board livestreaming in the period leading up to the UK Parliamentary General Election; (b) note the emergency postponement of the contract for electrical survey work in the Greenock Municipal Buildings, Greenock; and, (c) note the use of the discretionary powers granted to the Chief Executive as Returning Officer, to amend the 2024 Polling Scheme to delete premises that have become unavailable for use and to substitute premises nearby at the Sommerville and Weir Building, Faith Avenue, Quarriers Village, Bridge of Weir.

1.3 The use of Emergency Powers was necessary because of the timing of the UK Parliamentary General Election on 04 July 2024 and the urgent need to deal with these issues before the convening of the next meeting of the Council.

## **2.0 RECOMMENDATIONS**

2.1 It is recommended that the Council notes that the Chief Executive used their powers under the Council's Scheme of Delegation (Officers) to approve and note the actions described.

**Lynsey Brown**  
**Head of Legal, Democratic, Digital and Customer Services**

### **3.0 BACKGROUND AND CONTEXT**

3.1 Meetings of committees and boards in terms of the Council's approved timetable of meetings will take place from now until the date of the UK Parliamentary General Election on 04 July 2024. It was not possible, with due regard to available officer capacity, in the short period of critical election preparation to resource the livestreaming of the meetings specified below:

1. Policy & Resources Committee – Tuesday 04 June 2024.
2. Local Police & Fire Scrutiny Panel – Thursday 06 June 2024.
3. Audit Committee (Accounts) – Thursday 27 June 2024.
4. IJB Audit Committee – Monday 24 June 2024.
5. Inverclyde Integration Joint Board – Monday 24 June 2024.

In addition, any special meetings that are convened to take place during the period between now until and 04 July 2024 will not be livestreamed

3.2 These meetings have been/will be filmed and available the next day for the public to view. Livestreaming will recommence for relevant committees and boards after the date of poll. It is intended that the meeting of the full Council on 13<sup>th</sup> June will continue to be livestreamed.

3.3 A contract has been placed for necessary electrical survey work to identify and produce a record of the installed electrical service installations, distribution equipment, and circuits within the Greenock Municipal Buildings, Greenock. This work will allow the electrical resilience project for the Greenock Municipal Buildings to be progressed to detail design stage and assist in addressing the risk of unplanned power outages affecting services within the Buildings. The survey work which had been planned to take place, mostly overnight, during the month of June would otherwise have involved tracing circuits and planned shutdowns of power supply over a six-week period. This period of the contract directly overlaps with the pre-election period in the run up to the date of poll itself. The survey works would directly affect the Council's ICT servers in these buildings and in view of the criticality of safeguarding all electoral data in this period, particularly, it is impossible for the contract to take place as planned.

3.4 In the interests of maintaining the integrity of the electoral data within the Council's possession and, also, minimising any risks whatsoever in terms of cyber-security for the election preparation, it has been necessary to inform the external contractors of the immediate need to cease this contract in the pre-election period. The Contractor has advised that due to other commitments over the school summer holiday period it is anticipated that the earliest the survey works could start would be end of August 2024.

3.5 In order to minimise costs, immediate action has been taken to progress a postponement and these steps are unavoidable with regard to election data security and requirements of observing all relevant cyber-security guidelines.

3.6 The Council's approved polling scheme included the Bethesda Building, Faith Avenue, Quarriers Village, Bridge of Weir PA11 3TF as a polling place. However, the owners of this building have de-commissioned it and it is unavailable for use. Suitable alternative premises have been located within this immediate vicinity at the Sommerville and Weir Building, Faith Avenue, Quarriers Village, Bridge of Weir. These first-floor premises are entirely compliant with all electoral access requirements, with lift provision. In view of the need to take immediate action to provide a suitable, local venue for voters, the Returning Officer has used her discretionary powers to include the Sommerville and Weir Building, Faith Avenue, Quarriers Village, Bridge of Weir within the current election's polling scheme.

3.7 The use of these Emergency Powers was authorised by the Chief Executive following consultation with Councillor McCabe, Councillor McGuire, Councillor Robertson, Provost McKenzie and Depute Provost Brooks.

#### 4.0 PROPOSALS

4.1 It is proposed that Council notes that the Chief Executive used their emergency powers under the Scheme of Delegation (Officers) to (a) approve the temporary cessation of relevant committee and board livestreaming in the period leading up to the UK Parliamentary General Election; (b) note the emergency postponement of the contract for electrical survey work in the Greenock Municipal Buildings, Greenock; and, (c) note the use of the discretionary powers granted to the Chief Executive as Returning Officer, to amend the 2024 Polling Scheme to delete premises that have become unavailable for use and to substitute premises nearby at the Sommerville and Weir Building, Faith Avenue, Quarriers Village, Bridge of Weir.

#### 5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial	x	
Legal/Risk	x	
Human Resources		x
Strategic (Partnership Plan/Council Plan)		x
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		x
Environmental & Sustainability		x
Data Protection	x	

#### 5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
Electrical Survey	E&R Feasibility	2024/25	TBC	N/A	Will be contained within existing budgets

Annually Recurring Costs/ (Savings)

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

#### 5.3 Legal/Risk

There is no legal risk for the cessation of livestreaming. There are legal issues affecting the postponement of the electrical survey contract and these will be negotiated with the external contractors.

#### 5.4 Human Resources

There are no human resource implications.

#### 5.5 Strategic

There are no strategic plan implications.

#### 5.6 Equalities, Fairer Scotland Duty & Children/Young People

##### (a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
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, assessed as not relevant and no EqIA 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 – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

##### (c) Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

## 5.7 Environmental/Sustainability

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

## 5.8 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 – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

## 6.0 CONSULTATION

6.1 N/A

## 7.0 BACKGROUND PAPERS

7.1 N/A