

## REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 14 MAY 2020

### USE OF DELEGATED POWERS BY DIRECTOR OF INFRASTRUCTURE SERVICES BY REASON OF SPECIAL URGENCY

#### 1 Reason for Report/Summary

- 1.1 This report is to inform the Committee of the use of delegated powers by the Director of Infrastructure Services by reason of special urgency in respect of Burial Service Fees and Charges.

#### 2 Recommendation

**The Committee is recommended to:**

- 2.1 Acknowledge the use by the Director of Infrastructure Services of delegated powers as fully provided for in Appendix 1 of this report, in order to vary Burial Fees and Charges in light of potential COVID-19 impacts on service provision.**

#### 3 Purpose and Decision Making Route

- 3.1 Modelling of the COVID-19 mortality rates suggest that the Burial Service will have to deal with significantly increased level of demand. This will be at a time where the availability of experienced, trained personnel from within the Burial Service may be reduced due to the impact of the pandemic.
- 3.2 During these extraordinary times, to protect this vital service, it may well be necessary to amend the level of service currently provided.
- 3.3 These operational changes will be brought in as circumstances dictate. Their application will be carried out in an empathetic manner, reflecting the sensitive nature of the work performed by the Burial Service and the impacts of any potential changes on family and friends who are already dealing with the loss of a loved one.
- 3.4 As interment is the final stage of the death management process, delays in this aspect do have impacts on the overall process and can add pressures elsewhere in the process, such as at Funeral Directors and/or ARI.
- 3.5 During this pandemic it is essential that the overall death management process continues to operate compassionately and efficiently. A staged approach has been developed to ensure that the Burial Service continues to be able to play its vital part.
- 3.6 The approach is set out in more detail in **Appendix 1**.
- 3.7 This matter has not been before the Committee previously.

#### 4 Discussion

- 4.1 Normally, any decision to vary fees and charges in relation to the Burial Service would be a matter for the Committee to determine. However, due to the potential impact of COVID-19 on service delivery and the timescales involved, the Director has exercised his use of delegated powers by reason of special urgency to vary the current fees and charges.
- 4.2 Further detail as to the context and the reasons for the use of urgency powers by the Director of Infrastructure Services is contained within the form requesting use of the powers which forms **Appendix 1**.

#### 5 Council Priorities, Implications and Risk

- 5.1 This report helps deliver Council Priority 1 - Support a strong, diverse and successful economy; and

This report helps deliver Council Priority 11 - Protect our special environment, including tackling climate change by reducing greenhouse gas emissions.

- 5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial	x		
Staffing			x
Equalities			x
Fairer Scotland Duty		x	
Town Centre First			x
Sustainability			x
Children and Young People's Rights and Wellbeing			x

- 5.3 An equality impact assessment is not required as the proposal does not have a differential impact on any of the protected characteristics.
- 5.4 The financial implications are as detailed in **Appendix 1**, Section 4.
- 5.5 The following Risks have been identified as relevant to this matter on a Corporate Level:

ACORP002: Changes in government policy, legislation and regulation

ACORP003: Workforce

ACORP005: Working with other organisations

ACORP006: Reputational management

As outlined in the [Corporate Risk Register](#).

- 5.6 No Directorate Risks have been identified as relevant to this matter on a Strategic Level.

## **6 Scheme of Governance**

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 The Director of Infrastructure Services is able to consider and take a decision on this item in terms of Part 2A of the Scheme of Governance, Delegation F1.1(d) as it relates to Roads, Landscape and Waste Services.
- 6.3 Section B1, B2 and B3 of the Specific Delegations to Officers, as set out in Part 2B of the List of Officer Powers in the Scheme of Governance, apply to this report.
- 6.4 Section B1 authorises the Delegated Officer to take a decision on any matter which, in their opinion requires to be determined by Full Council, Committee or Sub-Committee, but by reason of special urgency it is impractical to convene a meeting of the Full Council, Committee or Sub-Committee.
- 6.5 Section B2 provides that any decision shall be taken by the Delegated Officer shall be taken after consulting with the Chief Executive and Chair and Vice-Chair and main opposition spokesperson of this Committee.
- 6.6 Section B3 of the List of Officer Powers in the Scheme of Governance provides that any decision taken by a Delegated Officer using this delegation must be reported to the next meeting of the appropriate Committee, hence the timing of this report.


**Stephen Archer**  
**Director of Infrastructure Services**

Report prepared by Philip D McKay, Head of Roads, Landscape and Waste Services  
29 April 2020

**List of Appendices – Appendix 1 - Special Urgency Form**

**APPENDIX 1**

**SPECIAL URGENCY - USE OF SPECIFIC DELEGATIONS TO CHIEF OFFICERS IN SECTION B**

	<p>This form records and confirms approval of the use of the delegation to the Specified Chief Officers (called the Delegated Officer) in <a href="#">Section B of Part 2B of the Scheme of Governance</a>.</p> <p>The Delegated Officer can make a decision instead of Full Council, Committee or Sub-Committee</p>
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<b>Full Council/Committee with delegation</b>	Infrastructure Services Committee		
<b>Delegated Officer</b>	Stephen Archer		
<b>Requesting Officer</b>	Name: Philip McKay	<b>Date prepared</b>	<b>15 April 2020</b>
	Service: RLWS		
	Job Title: Head of Service		

**1. Recommendation**

<p>Description of the matter that requires use of special urgency delegation and how it has arisen</p>	<p>Modelling of the COVID-19 mortality rates suggest that the Burial Service will have to deal with significantly increased level of demand, potentially over a 23 week period. This will be at a time where the availability of experienced, trained personnel from within the Burial Service may be unavailable due to the pandemic.</p> <p>During these extraordinary times, to protect this vital service, it may well be necessary to amend the level of service currently provided.</p> <p>These operational changes will be brought in as circumstances dictate. Their application will be carried out in an empathetic manner, reflecting the sensitive nature of the work performed by the Burial Service and the impacts of any potential changes on family and friends who are already dealing with the loss of a loved one.</p> <p>As interment is the final stage of the death management process, delays in this aspect do have impacts on the overall process and can add pressures elsewhere in the process, such as at Funeral Directors or ARI.</p> <p>During this pandemic it is essential that the overall death management process continues to operate compassionately and efficiently. A staged approach has been developed to ensure that the Burial Service continues to be able to play its vital part.</p>
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The approach that would see the level of service reduced as the demand reached a level that required interventions to ensure that the death management process was not overwhelmed.

Given the reduction in the level of service each of the stages includes a commensurate reduction in the normal fee charged, and it is that element that the Director is being asked to exercise his Special Urgency delegated authority to approve.

The operational changes are set out below, in the order they are likely to be brought into operation:

#### **Graveside Assistance Fees**

Given the impacts on social distancing and the restriction on attendees at interment ceremonies it is expected that the Burial Service team will have to provide additional assistance to Funeral Directors at this difficult time.

It is therefore proposed that graveside assistance fees are waived at the appropriate time.

#### **6 Day per week Service**

To meet demand the Burial Service may well have to move to a standard 6 day per week service. Currently interments carried out on a Saturday or Public holiday are subject to surcharge.

It is therefore proposed that the Saturday and Public Holiday surcharge be removed at the appropriate time.

#### **Choice of Lair**

Under normal circumstances as much choice as possible is given in respect of lair position. To ensure efficient and effective operation of the service this element of choice may be required.

This removal of choice, and the suspension of advance lair sales (already in place) also limits the ability of a family to purchase adjacent lairs to establish family plots (a series of consecutive lairs).

It should be noted that access to pre bought lairs, or lair re-openings, will be maintained.

It is therefore proposed that a reduction of 15% is applied to the lair purchase fee at the appropriate time.

#### **Family Access to Interment**

Currently limited attendance at interment services is permitted under the regulation and guidance, with full social distancing measures in place.

If demand for interments increases significantly it may not be possible to deliver an effective Burial Service that permits family access. It is also likely that such an increase in demand for burials would come at a time when skilled and experienced burial personnel are unavailable for work due to COVID-19 related isolations.

	<p>It is therefore unlikely that the interment process would proceed as “normal” and to protect everyone involved it would be sensible to conduct interments in private.</p> <p>This decision will not be taken lightly as the impact on family of the deceased is well understood.</p> <p>It is proposed that a reduction of 15% is applied to the standard interment fee at the appropriate time.</p> <p><b>Choice of Date and Time of Interment</b></p> <p>As set out above the interment process must be able to proceed in a timely fashion to ensure that there are no negative impacts on the preceding steps on of the death management process.</p> <p>As demand increases as a result of the pandemic, it may well be the situation that the date and time of the interment is limited, or indeed entirely set by the Council.</p> <p>It is proposed that a reduction of 15% is applied to the standard interment fee at the appropriate time.</p> <p>The implications of these proposed changes are well understood by the Burial Team and the potential need for this approach has not been considered lightly.</p> <p>However, if the number of excess deaths due to COVID-19 are significant this staged approach may well be necessary to protect the efficacy of the entire death management process.</p>
<p>What is the recommendation to the Delegated Officer?</p>	<p>That Burial Fees and Charges be reduced in a staged manner, as operational circumstance change, as follows:</p> <p>Choice of Lair removed: 15% reduction on lair purchase fee</p> <p>Choice of date and time removed: 15% reduction on interment fee</p> <p>Family Access to interment removed: 15% reduction on interment fee</p> <p>Weekend Premium: Suspended when Burial Service moves to 6 day per week default operating model.</p> <p>Graveside Assistance Fees: Suspended.</p>
<p><b>2. Justification for use of delegation</b></p>	
<p>Detail the consequence/risk if matter cannot be progressed timeously and include why this cannot wait for the next meeting of the committee.</p>	<p>Have you considered a special meeting?</p> <p>Given the restrictions in place in response to COVID-19 pandemic a special meeting is not considered to be appropriate but changes to the charging structure need to be put in place now.</p>

<b>3. Consultation</b>	
Chief Executive	Date: 16 April 2020 Agree/Disagree
Chair of Committee	Date: 15 April 2020 Agree/Disagree
Vice Chair of Committee	Date: 15 April 2020 Agree/Disagree
Opposition Spokesperson of Policy Committee (if a policy committee decision)	Date: 17 April 2020 Agree/Disagree
Any other relevant officer or elected member	Date: N/A Response:
<b>4. Council Priorities, Implications and Risk</b>	
Specify which Council Priorities are supported by the decision to be made	Support a strong, diverse and successful economy  Protect our special environment, including tackling climate change by reducing greenhouse gas emissions.
Detail any other key strategic priorities that this decision supports	
Equalities Impact Assessment required?	No - An equality impact assessment is not required because the reduction in fees would apply universally and does not have a differential impact on any of the protected characteristics.
Fairer Scotland Duty	No
Staffing Implications	There are no staffing implications as a direct result of this report.
Financial Implications	There are financial implications as less income will be received for each lair sale or interment. If all reductions were put in place the loss of income on the purchase of a new lair and interment would be approx. £415.  The current Reasonable Worst Case Scenario (RWCS) suggests that Aberdeenshire is likely to experience somewhere in the region of 400 excess deaths during the 23 week mortality wave. This would lead to a maximum financial impact in the region of £170k.  However, the level of service provided will be less than normal and the revised charging structure is considered to be commensurate with the provided level of service.
Sustainability	N/A
Town Centre First Principle	N/A

Children and Young People's Rights and Wellbeing	N/A
<b>5. Governance</b>	
Name of Committee and delegation in <a href="#">Part 2A of the Scheme of Governance</a> that should have been utilised	Committee: Infrastructure Services Committee  Delegation: F1.1 (d)
Monitored by Finance	Name: Susan Donald Date: 14 April 2020
Monitored by Legal	Name: Ruth O'Hare Date: 14 April 2020
Final Decision by Delegated Officer	<b>Approved</b>
If required, Committee Meeting to be reported to -	Committee: Infrastructure Services Committee Date of Meeting: 14 May 2020
Electronically Signed by Delegated Officer	Name: Stephen Archer Date: 17 April 2020