

## REPORT TO FULL COUNCIL – 14 JANUARY 2021

### REVIEW OF COVID-19 GOVERNANCE

#### 1 Reason for Report

This report makes recommendations to Full Council to review the governance arrangements implemented in 2020 in response to the Covid-19 pandemic.

#### 2 Recommendations

**Full Council is recommended to;**

- 2.1 Note the current governance arrangements which were implemented in response to the Covid-19 pandemic as set out in this report;**
- 2.2 Consider the continued necessity for the Recovery Reference Group;**
- 2.3 Agree that virtual meetings should continue as the default position for meetings of the Council and its Committees until a further review on 29 April 2021;**
- 2.4 Agree that Part 5 of the Scheme of Governance should be revoked, subject to changes to other sections of the Scheme of Governance being agreed by Full Council to permit the ongoing facilitation of virtual meetings and the convening of a Consolidated Business Committee;**
- 2.5 Agree that there is no requirement to report the Use of Special Urgency Powers to each meeting of the Council and instruct the Head of Legal and People to report biannually going forward; and**
- 2.6 Agree that there remains a requirement for a Statement of Outstanding Business to be reported to each meeting of Full Council.**

#### 3 Purpose/Decision Making Route

- 3.1** Since the onset of the Covid-19 pandemic, the Council has adapted its governance arrangements to reflect the new environment the Council is operating in and to preserve the democratic decision making process. The changes introduced in response to the pandemic include:-

**3.1.1** On 18 March 2020 Full Council agreed to adopt a new Part 5 of the Scheme of Governance (Supplementary Addendum in response to

Covid-19 Pandemic), with the aim of further facilitating remote participation at meetings and provide for a single source of consolidated decision making in the event of significant disruption preventing the Council from carrying out business in the usual way.

**3.1.2** On 10 June 2020 Full Council agreed to establish the Covid-19 Recovery Reference Group to oversee the transition from the response phase of the Covid-19 pandemic.

**3.1.3** On 24 September 2020 Full Council agreed to the continuation of Committee on a virtual basis with a further review at Full Council on 14 January 2021. It was also agreed that the provision of electronic agendas would continue with options for providing hard copies to Chairs if required or to Members for the purposes of addressing an equalities issue.

3.2 In addition arrangements were put in place to enable Members to have broad oversight of the extent to which decisions were being taken through the use of officers special urgency powers through regular reporting to each meeting of Full Council, where required. An Outstanding Business item was also introduced for agendas of Full Council so it was clear to Members what work had particularly been paused as a result of the pandemic.

3.3 Full Council requested that a review of the Covid-19 governance arrangements as set out above be reported to its meeting on 14 January 2021. Consultation was undertaken with the Recovery Reference Group at its meeting on 10 December 2020 and their comments and recommendations are incorporated into this report.

## **4 Discussion**

### **Supplementary Addendum in response to Covid-19 pandemic**

**4.1** The Supplementary Addendum in response to the Covid-19 pandemic currently forms Part 5 of the Council's Scheme of Governance. The addendum is in two parts, with the first section making provision for virtual meetings by overriding certain elements of the Standing Orders that inhibit the holding of meetings online. These provisions have been supplemented by procedures developed for officers, Elected Members and members of the public on virtual attendance at Council meetings. As part of the Annual Review of the Scheme of Governance it is proposed that changes are now made to the Standing Orders to align with the provisions set out in Part 5 and the use of online and electronic meetings, a reflection of the likelihood of increased demand for virtual meeting environments following the pandemic in some shape or form. It is also proposed that the Guidance on use of Skype for Council Meetings in Part 4 of the Scheme is revised to incorporate the good practice obtained in the suite of procedures which sit alongside Part 5 and reflect that other virtual platforms may be used for meetings.

- 4.2** The remaining section of Part 5 introduces the concept of a Consolidated Business Committee. The purpose of the Committee is to transact Council business in the event that the absence of significant numbers of staff and Elected Members prevents the carrying out of business as usual. It was envisaged that this would be a last resort in response to extreme disruption and fortunately there has been no need to invoke the Consolidated Business Committee as yet during the Covid-19 pandemic. There may however be merit in having such a mechanism available if required to enable the Council to respond in a dynamic and flexible way to extreme and unpredictable situations. As part of the Annual Review of the Scheme of Governance it is proposed that the Consolidated Business Committee becomes an extended version of the Vacation Committee, enabling business to be transacted not only during vacation periods, but in extreme circumstances where the business cannot be transacted through the existing Committee structure.
- 4.3** Full Council are elsewhere on the agenda for this meeting asked to consider the proposed changes to the Scheme of Governance. If Full Council agree the proposed changes to the Scheme of Governance, it is suggested that Part 5 will be superfluous and should be revoked.
- 4.4** Full Council agreed to delegate the power to make any amendments to Part 5 to a Special Procedures Committee consisting of the Provost and Group Leaders or their nominees. The flexibility that was inherent in Part 5 has meant that there has yet to be a requirement to call upon that Committee to consider any changes. In the event that Part 5 is revoked, the delegation to the Special Procedures Committee would also fall.

### **Recovery Reference Group**

#### **Background**

- 4.5** The Recovery Reference Group was established on 10 June 2020 to provide strategic oversight of the Council's transition from the response phase of Covid-19, in accordance with the Terms of Reference which form Appendix 1 to this report. The Group has the following remit:-
- 4.5.1** *To receive and consider reports from the Strategic Leadership Team on the impact of the pandemic, any national advice or guidance in connection with the pandemic, the financial consequences and any proposed alteration to service delivery as a result of Covid-19;*
- 4.5.2** *To consider, and comment upon the Council's draft plans for transition out of the Response phase;*

**4.5.3** *To consult with relevant stakeholders and partners wherever appropriate but in particular to ensure the effective engagement with communities and businesses;*

**4.5.4** *To make comments, observations and, where considered appropriate, recommendations to the Council and its Committees on the strategic direction required as a result of the impact of the pandemic and in particular in respect of any refreshed Council priorities; and*

**4.5.5** *To fulfil the remit of the Procedures Committee.*

As part of the review of Covid-19 governance arrangements, Full Council has requested that the continued necessity for the Group is reviewed and reported back to its meeting on 14 January 2021.

- 4.6** The Group is comprised of 14 Elected Members in line with the following political proportionality: 8 Administration, 4 Partnership, 2 Small Groups and Individuals. Meetings are chaired by the Council Leader. Ongoing officer support is provided by the Chief Executive, Director of Business Services, Head of Finance, Head of Legal and People and Area Manager (Buchan) however other senior officers attend meetings on occasion to provide expert advice on matters within their area.
- 4.7** The Group operates on the Microsoft Teams platform. Meetings are held using that tool, and associated paperwork including agendas, bulletins and plans are all contained within the C-19 Recovery Reference Group Team. Access to the Team has been given to all Elected Members, thereby ensuring full transparency and accessibility to the work of the Group.
- 4.8** The Group has met on thirteen occasions since 24 June 2020, with meetings taking place during the summer recess. Initially it was considered that weekly meetings of the Group would be required to meet the demands of the dynamic pandemic impacts. However, it transpired that the volume of business was not of a level that could justify the frequency of meetings originally envisaged. Furthermore, the pressure of administering the Group on a weekly basis was disproportionate to the benefit of that frequency of meetings given the low levels of business. Accordingly, the Group moved to fortnightly meetings from 13<sup>th</sup> July 2020. On one occasion where there was an urgent matter requiring input from the Group that could not wait for a meeting, being comments sought on a report to Education and Children's Services Committee on Community Learning and Development Grants, consultation with Members was undertaken through Teams.
- 4.9** A summary of the business transacted by the Group forms Appendix 2 to this report. In addition, the Group receives ongoing verbal updates on any local matters arising from the Covid-19 pandemic at each meeting.

**4.10** The items listed in Appendix 2 range from high level discussion papers on topics such as the new Council Plan to specific service proposals in relation to services or activities which have been disrupted by Covid. Many of these proposals relate to operational decisions which whilst delegated to officers have benefited from the local representative vantage point of Elected Members. As noted above, the Group also took on the remit of the Procedures Committee and as part of that role has considered a report on proposed changes as part of the Annual Review of the Scheme of Governance. To date there has been no need for the Group to use that remit to alter the Scheme as a result of issues arising from the pandemic.

**4.11** The Group has also provided input into development of key documents such as the revised Medium Term Financial Strategy and the Recovery Strategy. It has oversight of the implementation of the Council’s Recovery Strategy, which is managed through the reporting of the Recovery Strategy Action Plan. The Plan is reported monthly to the Group to ensure appropriate and ongoing oversight.

**4.12** With the exception of the recommendations within this report, the Group has yet to provide any formal recommendations on any items to Full Council or Committees in accordance with the terms of its remit, however comments and observations from the Group have been reported on occasion to both Full Council and its Committees. A summary of those comments are set out below:-

<b>Date of Meeting</b>	<b>Council/Committee</b>	<b>Subject Matter</b>	<b>Summary of RRG input</b>
23.7.20	Full Council	Recovery Strategy	<i>Provided comments on the Recovery Strategy</i>
20.8.20	Infrastructure Services Committee	Coastal Communities Fund	<i>Endorsed the officer proposal</i>
27.8.20	Education and Children’s Services Committee	Approval of Grant Award	<i>Endorsed the officer proposal</i>
24.9.20	Full Council	Virtual Committee Meetings	<i>Endorsed the officer proposal to continue virtual meetings until January 2021 and provision of electronic agendas</i>
5.11.20	Communities Committee	Live Life Aberdeenshire Pricing	<i>Provided comments on income targets and savings</i>

26.11.20	Infrastructure Services Committee	Tour of Britain Race 2021	<i>Endorsed the officer proposal</i>
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Options for Discussion

**4.13** In terms of the future of the Group, these are the options:-

**4.13.1 Maintain the Status Quo.** If there is considered to be an ongoing need for the Group, it could continue to operate in its current form, with the Terms of Reference at Appendix 1. The frequency of meetings could be reviewed to reflect the demands of the business.

**4.13.2 Dis-establish the Group.** If the Group is no longer deemed necessary, it could be dis-established. Consideration would require to be given to what, if any, alternative arrangements may be required in order to achieve that integrated and holistic approach to the Council's recovery programme which was originally envisaged when the Group was established. This option would also revive the Procedures Committee, which would regain its remit in terms of changes to the Scheme of Governance.

**4.13.3 Amend the remit of the Group.** Full Council could make changes to the Group's remit to increase its focus on those areas where it considers it could add most value. The current remit of the Group is outlined at paragraph 3.5 of this report. Alternatively, a targeted workplan could be developed for the Group to bring greater clarity to its role, which would not require any amendments to the Terms of Reference. It should be noted however that previous efforts to achieve a level of forward planning for the business of the Group have proved challenging due to the rapid change in pace of recovery activity.

**4.14** The Recovery Reference Group considered the options and ongoing necessity for the Group at its meeting on 10 December 2020. There was broad consensus that the Group has served its purpose and was no longer required. Whilst Members agreed that the initial concept was a good idea, ultimately the Group felt that the Council already has existing mechanisms in place to achieve that cross-party input from Elected Members that is key to the Council's recovery, with Group Leader meetings cited as an example. The Council's response to the pandemic has proved that matters can be well handled through those mechanisms. The Group felt that it was no longer contributing effectively to the programme of recovery work and the resource required in supporting the Group could be focused elsewhere where it could better add value.

**The recommendation of the Recovery Reference Group is therefore that Full Council should dis-establish the Group.**

### **Virtual Committee Meetings**

- 4.15** Since the onset of lockdown in March this year the Council has been operating virtual Committee meetings. At its meeting on 24 September 2020 Full Council considered a [report on the virtual meeting arrangements](#) and agreed that this would continue as the default for the remainder of 2020 to provide certainty for both officers and Elected Members. Full Council requested that the matter be reviewed at its meeting on 14 January 2021.
- 4.16** Whilst there was initially a reduction in meeting agendas, committee business has latterly returned to pre-Covid levels. This is perhaps a reflection of the relative ease in which both officers and Elected Members have adapted to the virtual meeting environment. The procedures for virtual Committee meetings have been regularly reviewed and updated to address any issues that have arisen.
- 4.17** Initially the virtual meetings were recorded and published online thereafter. However following close collaboration between Committee Services and IT, the live streaming of meetings commenced on 10 June 2020. All Committee meetings are now held via the Skype platform and live streamed via Microsoft Teams Live Events. This ensures both the public and press can access the meeting content in real time. At the same time, requests to speak can still be facilitated through dialling participants into the meeting.
- 4.18** Work is ongoing to identify whether Skype remains the preferred option for the Council's virtual meeting platform. The Council is currently using Microsoft Teams to host meetings of the Northern Roads Collaboration Joint Committee and the Strategic Development Planning Authority, as well as meetings of the Recovery Reference Group. Members views will shortly be sought via a survey to obtain some initial feedback on the use of Teams. Officers will then carry out further assessment and testing of the platform, prior to presenting an options appraisal for consideration.
- 4.19** The benefits and challenges in terms of virtual meetings as outlined in the report to Full Council in September remain the same. Both Members and officers now have greater access to Committees through the removal of any travel or time barriers and savings have been made in both catering costs and travel and subsistence claims. The latest figures show a 98% reduction in travel mileage and travel expense claims for the period August to November 2020 in comparison to the same period last year. The primary challenge remains the risk of technical problems. However as yet no virtual meeting has been abandoned as a result of disruption of this nature and a designated IT officer is on hand for every Committee meeting to ensure issues can be addressed if they occur.
- 4.20** From a review of other Scottish local authorities and based on information currently available at the time of writing this report, five are operating a hybrid model at present with a blend of virtual and physical attendance, whilst twenty six

are continuing to meet wholly virtually. Further information has been sought from those authorities holding hybrid meetings in relation to how they are operating in practical terms with a view to identifying any examples of best practice.

**4.21** At the time of writing this report, there have been significant setbacks in the road to recovery with mainland Scotland moving into Tier 4 on Boxing Day and daily cases reaching a record high since mass testing began amid the presence of a new strain of Covid-19. This aligns with previous modelling on the prevalence of the virus, which suggests further peaks in March and April. As we move into 2021 it is therefore clear that the risks apparent in holding physical meetings are akin to those we faced at the onset of the pandemic. The approval of the Covid-19 vaccine has been a significant moment in the fight against the virus, however it is projected to be at least six months before the first phases are completed, targeting high risk and vulnerable age groups. Home working will meantime remain the default position in Scottish Government guidance, for all tier levels to reduce the risk of Covid-19 transmission in non-essential offices and the health and safety of officers and Elected Members must remain paramount. A timescale for a return to offices is impossible to predict in light of this ever changing environment, therefore it is suggested that the Council should agree to continue with virtual meetings as default for a further specified period, to give a level of certainty to both officers and Members.

**4.22** The Recovery Reference Group considered the issue at its meeting on 10 December 2020 and agreed to recommend to Full Council that the period for virtual Committee meetings being the default is extended until a further review of the position is reported to Council at its meeting on 29 April 2021. Members were wholly supportive of continuing with virtual meetings in the short term.

**4.23** The prospect of holding a form of hybrid meetings is currently being considered by officers within Governance and IT to ascertain how this could best work as it is recognized that this is something that Members will wish to explore further as and when the Council gradually transitions out of the pandemic. There remain challenges to this approach in terms of equity of participation and management of the meeting, as well as the variance in connectivity across Council meeting venues. For example, there are Area Committee venues which do not presently have wifi availability which would be essential for operating a hybrid meeting. It is therefore not possible to recommend hybrid meetings at this time and for the reasons set out above a return in any form to physical locations at this stage would not be recommended. However, it is suggested that options for holding hybrid meetings could be reported to Full Council at a future meeting for consideration to outline what may be possible in future transition stages.

### **Urgency Powers and Outstanding Business**

**4.24** Following the onset of the pandemic, it was agreed that use of urgency powers would be reported to each meeting of Full Council, where required, in order to highlight to Members' the extent to which officer delegation was being used in

the Council's response to the pandemic. The Council received reports on the use of urgency powers at its meetings on 30 April 2020, 10 June 2020 and 24 September 2020. There was no requirement to report to meetings on 7 October 2020 and 19 November 2020 as no urgency powers were using during the relevant periods.

- 4.25** Urgency powers have been used by officers on 10 occasions since 18 March 2020. Six of the decisions taken were a direct result of the pandemic, relating to matters such as business grants, burial charges, taxi licensing, Skype telephony capacity and funding for emergency childcare. It appears however that the requirement for such urgent decisions has reduced in recent months, as is apparent from the lack of reporting to Full Council on the issue.
- 4.26** The Recovery Reference Group considered this issue at its meeting on 10 December 2020. The Group agreed that there was no longer a need to report to every meeting of Full Council on the use of special urgency powers, however it may be appropriate to increase the frequency from the previous position of annual reporting. It is therefore recommended that Full Council receive a report biannually on the use of special urgency powers. There will remain the requirement under the Scheme of Governance for officers to report to the next meeting of the relevant Policy or Area Committee following any use of urgency powers on that Committee's behalf, thus ensuring that the decision can be scrutinized by Members in an appropriate forum.
- 4.27** A standing item detailing Outstanding Business has been included on Full Council agendas since its meeting on 30 April 2020. The purpose of this was to ensure Members were clear on what business had been stalled, predominantly as a result of the Covid-19 pandemic. As part of the review, consideration should be given as to whether a Statement of Outstanding Business remains necessary. It should be noted that all Policy Committees now receive a statement of Outstanding Business as a standing item on agendas under arrangements that were agreed separate to any need arising from the pandemic.
- 4.28** The Recovery Reference Group considered this issue at its meeting on 10 December 2020 and agreed that a statement of Outstanding Business is a valuable tool, ensuring actions can be captured and monitored. It is therefore recommended that a statement of Outstanding Business should continue to be reported to each meeting of Full Council

## **5 Council Priorities, Implications and Risk**

- 5.1** This report helps delivers all six Strategic Priorities and particularly the underlying principle of "right people, right place, right time" by having a governance framework in place that is fit for purpose and ensures the Council can deliver on the Priorities.

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 There will be a positive impact on those with the protected characteristic disability as all virtual committee meetings are accessible online. [The Equality Impact Assessment](#) submitted with the report to Full Council on 24 September 2020 remains relevant and there have been no material changes that would impact on the outcome of that assessment.

5.4 In terms of the continuation of virtual committee meetings, it is expected that there will be financial implications in an ongoing reduction in travel and subsistence costs. If the Recovery Reference Group is disestablished there will be staffing implications in terms of a slight increase in officer capacity.

5.5 The following Risks have been identified as relevant to this matter on a Corporate Level:

ACORP004 Business and organisational change

The following Risks have been identified as relevant to this matter on a Strategic Level:

- BSSR006 Digital Innovation
- ISSR004 Climate Change

## 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 their comments are incorporated within the report and are satisfied that the report complies with the [Scheme of Governance](#) and relevant legislation.

6.2 Full Council is able to consider and take a decision on this item as this report relates to the Council's response to the Covid-19 pandemic which is a matter not otherwise delegated to any Council committee.

**Ritchie Johnston, Director of Business Services**

Report prepared by Karen Wiles, Head of Legal and People

29 December 2020

**Appendices**

**Appendix 1 – Terms of Reference for the Recovery Reference Group**

**Appendix 2 – Items Considered by the Recovery Reference Group**

## APPENDIX 1

### Covid-19 Recovery Reference Group

#### Terms of Reference

##### 1 Purpose

The Covid-19 Recovery Reference Group has been established to oversee the transition out of the response phase of the Covid-19 pandemic and make recommendations to the Council and its committees on the strategic direction of Aberdeenshire Council required as a result of the impact of the pandemic.

##### 2 Remit

The Covid-19 Recovery Reference Group shall have the following remit:

- 2.1 To receive and consider reports from the Strategic Leadership Team on the impact of the pandemic, any national advice or guidance in connection with the pandemic, the financial consequences and any proposed alteration to service delivery as a result of Covid-19;
- 2.2 To consider, and comment upon the Council's draft plans for transition out of the Response phase;
- 2.3 To consult with relevant stakeholders and partners wherever appropriate but in particular to ensure the effective engagement with communities and businesses;
- 2.4 To make comments, observations and, where considered appropriate, recommendations to the Council and its Committees on the strategic direction required as a result of the impact of the pandemic and in particular in respect of any refreshed council priorities; and
- 2.5 To fulfil the remit of The Procedures Committee.

##### 3 Reporting arrangements

The Covid-19 Recovery Reference Group, having consulted appropriately, will make comments, observations and/or recommendations to Full Council or any Committee or Sub-Committee and will provide regular updates on its work to the Full Council.

##### 4 Membership

The Covid-19 Recovery Reference Group shall be comprised of 14 Elected Members which will be comprised of the following political proportionality: 8 Administration, 4 Partnership, 2 Small Groups & Individuals.

## **5 Meetings**

The Reference Group will meet as frequently as required to meet the demands of the dynamic pandemic impacts as determined by the Reference Group.

Meetings of the Reference Group will be scheduled to take place remotely, or as may be determined by the Reference Group.

The Reference Group meetings will be Chaired by the Council Leader or their substitute.

The Reference Group shall be supported with advice from the following officers (or their representatives) who shall attend meetings of the Reference Group. Additional Officers from across different services will attend dependent on the agenda:

- 1 Jim Savege, Chief Executive
- 2 Ritchie Johnson, Director of Business Services (Lead Officer)
- 3 Alan Wood, Head of Finance
- 4 Karen Wiles, Head of Legal and People
- 5 Amanda Roe, Area Manager

**APPENDIX 2**

**Items Considered by the Recovery Reference Group**

<b>17 June 2020</b>	Medium Term Financial Strategy – Financial Updates Education Local Phasing Delivery Plan Future Ways of Working
<b>24 June 2020</b>	Recovery, Communications and Engagement Plan Aberdeenshire Council Recovery Strategy Education Local Phasing Delivery Plan Adaptive Services
<b>3 July 2020</b>	Test and Protect – Verbal Update Covid-19 Community Impact Assessment – Outline Proposal Office Space Strategy Update Early Learning and Childcare Delivery Proposal for 2020/2021 Academic Year
<b>8 July 2020</b>	Re-opening of Public Conveniences Adaptive Services Plan
<b>13 July 2020</b>	Political Decision Making Adaptive Services Plan
<b>27 July 2020</b>	Project Commitments through the Regeneration Reserve Service Points – Re-opening Post Lockdown Plan Local Bus Services A2B – Dial-a-bus Information and Advice Framework Adaptive Services Plan
<b>10 August 2020</b>	VAT: Reduced Rate for Hospitality, Holiday Accommodation and Attractions South Harbours Improvement Plan (SHIP) Project Coastal Communities Fund Adaptive Services Plan
<b>27 August 2020</b>	Learning and Teaching Regional Lockdowns Adaptive Services Plan
<b>10 September 2020</b>	Ballater Waste Lorry Historic Asset Management Project Tour of Britain Professional Cycling Race 2021 Council Plan Adaptive Services Plan
<b>25 September 2020</b>	Community Impact Assessment

<b>7 October 2020</b>	Turriff Academy – Fabric and Internal Enhancements Contract Off-street Car Parking Management Update on Early Learning and Childcare Delivery Proposal for 2020/2021 Academic Year Service Prioritisation Process Recovery Strategy Action Plan
<b>29 October 2020</b>	Presentation on Our Environment Tour of Britain Professional Cycling Race 2021 Work Requirements for Alford Ski Slope Annual Review of Scheme of Governance Recovery Strategy Action Plan
<b>11 November 2020</b>	Presentation on Our People Covid-19 Update Recovery Strategy Action Plan
<b>25 November 2020</b>	Presentation on Our Economy Covid19 Update Service Prioritisation Approach