

Agenda Item	4
Report No	HC/11/20

THE HIGHLAND COUNCIL

Date: 25 June 2020

Report Title: **Decisions Made Using Delegated Powers**

Report By: Executive Chief Officer, Performance and Governance

1. **Purpose/Executive Summary**

1.1 This report details the decisions that have been made during the period 21 March to 15 June 2020, using the delegated authority set out in the Council's Scheme of Delegation and seeks Members' approval for their homologation.

2. **Recommendations**

- 2.1
- To homologate the decisions set out in Appendix 1;
 - To note the progress that has been made in resuming the Council's governance structures;
 - To approve the resumption of Council approved policies and services to pre-Covid arrangements, in line with Government guidelines and Public Health advice.

3. **Implications**

3.1 **Resource:** Resuming Council approved policies and services to pre-Covid arrangements will assist the Council to return the workforce to full time operations and to start to rebuild income streams through the resumption of certain fees and charges suspended during earlier phases of the lockdown. Care will be taken to continue to provide appropriate financial and non-financial support to individuals, communities and businesses still impacted by Covid.

Improvements to the Council's virtual meeting capability to support the resumption of normal governance arrangements have required investment in terms of staff time and the cost of new systems. In terms of staffing resource, this has involved over a dozen staff across ICT and Committee Services equating to approximately 2-3 full time equivalents since 22 March. The amount of staffing support required for future meetings will decline as users become more comfortable with the technology although more support is needed to assist in the smooth running of wholly virtual meetings than for

those primarily held in the chamber. The cost of rolling out Microsoft Teams has been £28,000, however this has been to the benefit of the whole organisation and not just for the resumption of committee meetings. There are additional costs in printing and distributing papers to all Members however, these are more than offset by the significant reduction in costs relating to Member's travel and accommodation.

- 3.2 Legal: the decision-making process that has been adopted during the period of suspension of Council meetings has been consistent with the Council's Scheme of Delegation and the Local Government (Scotland) Act. The approach taken in terms of emergency preparation and response has been aligned with the Civil Contingencies Act (CCA) and a number of decisions have reflected the requirements of emergency legislation associated with Coronavirus. The legal context is set out below in greater detail:

In early March, national emergency arrangements were invoked including The Cabinet Office Briefing Room (COBR) and Scottish Government's Resilience Room (SGoRR), the Multi Agency Coordination Centre (MACC) and Local Resilience Partnerships (LRPs).

The Council set up Strategic (Gold) and Tactical (Silver) meetings as per the Council's Emergency Plan to deal with the impact of the emergency on the Council and urgent responses to the rapidly developing situation. Under the CCA, the Council, as a Category One partner has key duties to plan and prepare for emergencies and coordinate the response together with its partners in the Local Resilience Partnership (LRP). The LRP established weekly meetings. Additionally, the Council set up a process for receiving and storing all the national correspondence and guidance and Situation Reports, as well as logging decisions.

As provided for in the Council's Scheme of Delegation, a cross-party Strategic (Gold) Member group was established to provide oversight of the decisions and recommendations made at officer Gold Group in response to the emergency. Weekly Member Briefings were established to keep all members informed and provide feedback to officers on the impact of the local area response.

Emergency legislation was introduced by the UK Government and The Scottish Government which used primary and secondary legislation to implement extensive measures to control the spread of the virus where this was not already covered by the CCA and Public Health legislation did not contain powers which are wide enough to make the required changes. The aim of The Coronavirus (Scotland) Act was to respond to the emergency situation caused by the coronavirus pandemic. It added to the changes affecting Scotland by the Coronavirus Act 2020 which was passed by the UK Parliament on 25 March 2020.

Elements of Preparing Scotland, Scotland's CCA guidance document were used nationally and locally as part of the planning and response arrangements, such as guidance on Humanitarian Assistance Centres.

- 3.3 Impact/Risk: The impact of the decisions set out in Appendix 1 has varied, depending on the matter requiring a response. The decisions themselves have been limited to the Council's response to Covid-19 and how this has required certain services to be adjusted, created or ceased to address and mitigate the impact of the pandemic.

The biggest risk to the re-introduction of formal Council meetings is that the ICT will not be reliable. Significant effort has been put into this by the Council's ICT Services and

the experience so far has been positive. However, the successful use of such technology is dependent on a range of factors that are not all within the Council's control so it is not possible to guarantee that the technology for all meetings will be 100% reliable.

- 3.4 Rural/Island/Equalities/Sustainability: Where appropriate, equalities screenings have been undertaken prior to the implementation of new provisions. The move away from physical meetings to virtual meetings supported through technology has resulted in significantly reduced mileage, with positive environmental implications. It is hoped that the success of the new virtual meeting arrangements will lead to a permanent reduction in mileage for both Members and staff.

4. Background

- 4.1 The Scheme of Delegation provides that the Chief Executive has authority:

“To take such action as may be necessary to protect the interests of the Council in relation to ... b) any other emergency which, in the opinion of the Chief Executive, requires such action, in consultation with the appropriate officers and elected Members.”

The decision-making authority is in relation to actions required to address the emergency and not in relation to matters that would otherwise usually be decided by the Council or Committees. The consultation requirement referred to above has been discharged through the establishment of Officer and Member Gold Groups – see paragraph 4.3 below.

- 4.2 On 17 March 2020, all Council and committee meetings were postponed for the period of March and April 2020 following the Prime Minister and First Minister's announcements the preceding day, effectively marking the beginning of the lockdown period. The decision was taken in consultation with the Convener and committee and board chairs and did not require the use of emergency powers.
- 4.3 Consistent with Emergency/Resilience requirements in the Civil Contingencies Act and the Council's Scheme of Delegation, the Chief Executive established an officer Gold Group involving all of the Executive Chief Officers and other key staff to undertake frequent strategic assessments of the situation and agree urgent actions required. A Member Gold Covid-19 Group was established on 19 March 2020, comprising the Chief Executive, the Convener, the Leaders of the Administration Groups and the Official Opposition Group, the Budget Leader and the ECO for Performance and Governance. Since then, Member Gold meetings have taken place 2-3 times a week depending on the business at hand. Following on from the establishment of the Recovery Board the frequency reduced to weekly and the final meeting of both the Officer and the Member Gold Covid-19 Groups took place on 9 June 2020. The Scheme of Delegation provides for these types of arrangements be re-established in the future if required for emergency purposes.
- 4.4 On 15 April 2020 the Member Gold Covid-19 Group agreed that Strategic Committees could be held during May and June if urgent business required it, but they should otherwise be postponed until the end of June. As a consequence, the Council's Regulatory Committees and the Corporate Resources Committee have all met over this period but other meetings have been postponed or re-scheduled. In recognition of

the current workload strain on the Council's senior officers, it was also agreed that committee business should be restricted to issues requiring urgent attention and/or decision only and that all non-essential business should be deferred until a later date.

5. Return to near normal governance arrangements

- 5.1 Although the Council is still heavily engaged in the Covid-19 emergency response, and looks likely to remain so for some time, the importance of reinstating normal Council governance arrangements has been clear. In recognition of this, a significant amount of time and resource has been put into developing the technology and procedures for holding virtual meetings and for the live streaming of proceedings. Likewise, the Recovery Board has made the return to Governance structures one of its first items of business.
- 5.2 As a consequence of this, the calendar of meetings has been updated to reflect the bringing forward of some Strategic and Area Committee meetings into what would usually have been the recess period. Benchmarking with other Scottish local authorities has shown that The Highland Council is ahead of the majority in terms of the extent of formal member scrutiny and decision making and is currently the only one able to facilitate live streaming of its meetings. The new calendar is included for Members' consideration later in the Council agenda.
- 5.3 It will not be possible in this first cycle to effect a complete return to normality in terms of Council and Committee meetings due to the amount of staff capacity still being used to deliver the Covid-19 response and also due to the number of staff who remain at home shielding, vulnerable, or with caring responsibilities. This means committees will have shorter agendas and briefer reports than was previously the case. However, despite this, the actual number of meetings in the next month is far higher than would usually have been the case; Meetings of the full Council are more frequent; and there are also additional meetings of the Education Committee scheduled to reflect the importance of Member oversight of the return to schools programme.

6. Homologation of Decisions

- 6.1 Appendix 1 sets out all of the decisions considered by the Member Gold Covid-19 Group since 19 March 2020. These are also published on the Council's website. Decisions made to date under the emergency provisions have been appropriate, proportionate, in direct response to the Covid-19 emergency. Many of the decisions have been minor in nature; some have been more substantial; and some prompted by an urgent Government direction. They have all needed a quick response and some cases have required the ability to adjust that response as the situation has developed – as has happened with the Council's waste services for example.

7. Resumption of Council approved policies and services to pre-Covid arrangements

- 7.1 The majority of the decisions made in the period since 20 March 2020 were only ever intended to be a temporary response to immediate Covid-related requirements. The intention and expectation was that these should revert to pre-Covid arrangements as soon as practicable. Indeed, many have already been reversed in response to the easing of certain impacts of the pandemic, allowing the Council to resume a number of

more business as usual activities. Examples include the return of Brown Bin collections; resumption of committee and regulatory meetings; the issuing of non-domestic rates bills; and the re-opening of recycling centres.

- 7.2 This return to previously approved council policies and service standards is expected to accelerate in the coming weeks as the Government lifts more of the lockdown restrictions and the Council is able to return more of its workforce. Members are asked to endorse this approach to the swift resumption of services where this is consistent with Government guidelines and Public Health advice. Decisions that are more lasting in nature, like the establishment of the Recovery Board, or the longer-term commitment of funds, will require specific approval of the Council, as is reflected in the reports elsewhere on the Council's agenda.

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MEMBER GOLD DECISIONS

Gold Decisions, 19 March 2020 onwards

9 June 2020

- Agreed to resume non domestic rates billing on 12 June 2020, in line with other Scottish local authorities, ensuring that all Covid-related exemptions and supports were in place and clearly communicated.
- Agreed to the re-opening of Public Conveniences in consultation with Local Members.
- Agreed at June Council Members should be asked to approve the resumption of Council approved policies and services to pre-Covid arrangements, in line with the Scottish Government's phasing of lockdown relaxation.

2 June 2020

- Agreed to open Drummond School as a Keeping In Touch hub to allow young people who required specialist provision to receive additional support.
- Agreed that, with the establishment of the Recovery Board, Members GOLD Covid 19 meeting reduce from two to one per week

28 May 2020

No decisions requiring derogations/policy variations.

26 May 2020

- Agreed to open recycling centres where there was sufficient staffing and continue to work to identify staffing solutions to enable as many as possible to re-open.
- Agreed that the appointment of the Depute Leader to the role of Chair of the newly established Recovery Board, as set out in the Terms of Reference, be formally recorded in the minute.
- Agreed that live streaming of the Resources Committee meeting to be made available to the media if possible and eventually to the general public for all previously webcast Council and Committee meetings, once any glitches have been addressed.

21 May 2020

No decisions requiring derogations/policy variations.

19 May 2020

- Agreed that the Recovery Board be comprised of 11 Members selected on the basis of political balance. In addition there would be 1 Trade Union Representative with non-voting rights, rotated between the Trade Unions.

14 May 2020

- Due to staff shortages it was agreed, on a majority basis, to the temporary lift of the partial ban on weed control products containing glyphosate to undertake limited preventative maintenance:
 - Not in play areas;
 - Its use is to be preventative only – i.e. to avoid infrastructure damage;
 - Ensuring proper attention to H&S requirements in its application; and
 - As part of a limited grass cutting service only (not business as usual).
- Agreed to schedule the Corporate Resources Committee on 3 June 2020.

12 May 2020

- Agreed that an announcement, detailing Covid-19 Gold decisions reached to date, would be circulated in the name of the Convenor with weekly details following on thereafter by officers.

7 May 2020

- Meetings of SPAC and NPAC to be arranged virtually as soon as possible, subject to effective technology being in place. Revised Interim Procedures for Planning Application Committees during the COVID19 Pandemic to be reviewed regularly, the first review being the end of June 2020.
- To make a bid to the new Active Travel Fund, subject to engagement with Inverness Members, other Wards and key stakeholders.

5 May 2020

- Agreed to publish all decisions made under Emergency Procedures.
- Agreement reached with the Scottish Negotiating Committee for Teachers in relation to payments to supply teachers.

30 April 2020

- Limited grass cutting to resume in Highland with adherence to physical distancing.

28 April 2020

- Proceed with a virtual meeting of the Planning Review Board on 5 May 2020 and that it be open to all 9 Members.

23 April 2020

No decisions requiring derogation/policy variations

21 April 2020

- ECO Education - in place of the shortened Appointments Panel, that the Chief Executive and the Chairman of Education would make the appointment on the basis that it would be for a fixed term only.
- Decision to procure the software solution 'Helping Hands' promoted by the Govt to record and track requests for help from vulnerable people. The cost is £30k.
- The Council would meet the costs of key worker childcare if the Government did not provide additional funding.
- To establish a Recovery Board, which would report to Council.

15 April 2020

- Committee and Council meetings to go ahead in May and June, if there was a business requirement. Otherwise, they should be postponed until the end of June, subject to regular review by Strategic Chairs and ECOs. A special Council would be held on 25 June.

13 April 2020

- Confirm the Scheme of Delegation be amended to allow officers to determine applications, without substantial objections, in consultation with the Chairman of the North and South PAC, as appropriate.
- An Appointments Panel be formed, albeit on a reduced scale, for the Interim Chief Officer Education.
- Members GOLD Covid 19 Meetings be held, with effect from the following week, on Tuesdays and Thursdays and Member Briefings take place on Wednesdays, NOTING Emergency Members GOLD Covid 19 Meetings could be called at short notice.

10 April 2020

No decisions requiring derogations/policy variations.

8 April 2020

- Subject to discussion with the Conservative and Unionist Party Group Leader, the Aird and Loch Ness By Election be deferred and held on 5 November 2020.
- Car parks at all major tourist attractions be closed indefinitely unless there was a particular local reason why it should remain open.
- Withdraw the Council's offer for the Former Inverness Longman College Site.
- All Secondary Schools to move the learning of our young people in the Senior Phase on, to include blocks of learning.
- To support the decision to employ 4 additional Children Services Social Workers.

6 April 2020

- Suspend Scheme of Delegation so Planning Officers could make decisions on more planning applications, in consultation with the Chairs of the North and South Planning Applications Committee. Any planning applications that received substantial objections would not be processed. This suspension of the Scheme of Delegation would have a finite clause included so the position could be re-assessed at the end of June 2020.

- In relation to the Planning Review Body, this could not be delegated to Officers so, as permitted in the regulations, agreed to reduce its size to 3 Members and holding meetings using Skype.
- Registration of Deaths – to move from 5 to 7day registration.
- Agreed that the Helpline would remain open on Good Friday and Easter Monday.

3 April 2020

No decisions requiring derogations/policy variations.

30 March 2020

- Postpone the issue of Business Rates bills.
- Issue Small Business Grants immediately.

27 March 2020

- Consider moving to a 3-weekly bin collection in some parts of Highland, subject to an options appraisal, and with a communication strategy in place in advance.

25 March 2020

- Additional Deaths Coordinating group tasked to identify additional mortuary capacity within Highland.
- Staff who had been PVG checked could crossover categories given the greater requirement to provide adult social care.
- Council Tax collection would go ahead on 1 April but that, in the meantime, no recovery letters would be issued.
- Agreed to lend support whereby self-catering providers would be eligible for the same level of compensation from Business Grants.

23 March

- Both meetings of the Licensing Board and Committee be temporarily suspended and that Revised Guidelines would be placed on the Council's website.
- Public Transport providers – honouring existing contracts as directed by the Scottish Government and looking to redeploy services to support the emergency response.
- Parking enforcement – cease all activity for the current time.
- Public access to all Council buildings including closing service points will cease. Registration by appointment only and where possible substituted with a phone service to reduce F2F. Newly established Emergency Centres and childcare hubs are exempted.
- Suspension of a range of waste services to focus on statutory kerb side collections and trades collections. Recycling Centres to remain open where staffing numbers allow. Cease new requests for bulky uplifts; temporarily cease garden waste and do not send out new bills until later in the year. Offer a discount for renewals.
- Reductions in street cleaning to move staff into the waste team; and approach commercial providers to fill gaps where needed.
- Suspend some burials activities – suspend the pre-sale of lairs and preparation of foundations for headstones. Likelihood that numbers attending the crematorium will be limited over the course of the week.

20 March 2020

No decisions requiring derogations/policy variations.

19 March 2020

- Payment of staff – suspension of usual conditions regarding caring leave to support people working from home.
- Fostering Placements: increasing the number of young people who could be placed with each Foster Carer.
- Procurement/Contract Standing Orders: where needed, suspension of Contract Standing Orders in response to supply challenges.

APPENDIX 1

- Housing Allocation: prioritisation of people discharged from hospital to assist with reducing delayed discharge and to support vulnerable people.
- Remove higher charges at weekends for burials.
- Responding to non-urgent enquiries/complaints to be discontinued during this period. National guidance to be sought on dealing with Freedom of Information requests.
- Death registration – in light of concerns about availability of Registrars, national advice to be sought, including changes to policy in relation to the non-prioritisation of weddings.
- No recovery action to be taken on unpaid council tax during this period.