

To: Emergencies Board

On: 20 March 2020

Report by: Director of Finance and Resources

Heading: First meeting of the Emergencies Board.

1. Summary

- 1.1 The Emergencies Board has been convened in the context of an outbreak of the Covid-19 virus which has been classified as a global pandemic. This outbreak has caused significant consequences to the services provided by the Council and has significantly impaired the ability of the Council to operate its existing decision making framework of Board and Council meetings. In these circumstances, the chief executive has decided that an emergency exists that justifies the Board being convened.
- 1.2 This report sets out the arrangements for the operation of the Board including the Board's membership and for the frequency and conduct of the Board's meetings.
- 1.2 The report also asks the Board to cancel programmed Board and Council meetings from 27 March 2020 until the Council meeting arranged for 25 June 2020.
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2. Recommendations

- 2.1 The Board is asked to:

a) note that the current membership of the Board comprises Cllr Marie McGurk (Convener), Cllr Michelle Campbell (Depute Convener), Cllr iain Nicolson, Cllr Eddie Devine and Cllr Alistair MacKay.

b) consider any changes to the Board's membership

c) agree to allow the appointment of up to two substitute members for each Board member to attend the Board should the Board member not be available with the substitutes being chosen in the order of priority intimated by the Board member and to invite members to provide the names of their substitutes who must be from the same political group as the original Board member to the Head of Corporate Governance prior to the next meeting of the Board.

2.2 In relation to meetings of the Board, the Board is asked to:

a) agree that the Board shall meet each Friday at 11 am in Renfrewshire House, Paisley or at such other time or venue as the Convener may decide.

b) agree that the quorum for Board meetings shall be at least three members or their substitutes and that members will be able to attend meetings of the Board remotely either through an audio or an audio/visual link to the meeting. The ability to access meetings remotely will also be extended to any other Board meeting that takes place following approval of this report.

c) agree that due to the sensitive nature of some of the information it may be asked to consider, the Chair in consultation with the chief executive may decide that any item of business or part of an item should be considered in private.

d) agree that where a decision is required which cannot wait until the next meeting of the Board, the Convener may permit a decision to be taken by the majority written consent of the members of the Board or their substitutes where all members are invited to participate.

e) agree to waive the notice requirement in standing orders to enable reports to be submitted to the Board at short notice, to reflect the rapidly changes circumstances of the emergency.

f) note that except as expressly altered in this report the Procedural Standing Orders of the Council will continue to apply to meetings of the Board

2.3 In relation to other matters, the Board is asked to:

- a) agree to cancel all meetings of the Council and its Boards in the period from 27 March 2020 until 24 June 2020 and to delegate to the Provost in consultation with the chief executive the authority to cancel the Council meeting on 25 June 2020, if in the Provost's reasonable opinion, it would not be practicable for the meeting to take place or where there is no substantive business for the meeting to consider.
- b) note that any major policy decisions will be made by the Board and subject to paragraph c) below, otherwise agree to delegate to the chief executive or her nominee all decisions in relation to the functions of the Council throughout the duration of the emergency provided that they are in accordance with existing Council policy.
- c) agree that in relation to regulatory and quasi-judicial matters the Head of Corporate Governance will develop a procedure involving the conveners of the relevant boards being consulted to enable the Board to consider whether it wished to decide the matter instead of officers.
- d) note that the chief executive will provide regular updates to the Board and to elected members more widely on the impact of Covid-19 and the actions being taken to minimise or restrict its consequences for Renfrewshire and its residents.

3. **Background**

- 3.1 The Emergencies Board is part of the approved governance structure of the Council. Its remit is: "To oversee the activities of the Council, including the deployment of resources, in the event of any emergency, such as may be defined by the chief executive."
- 3.2 Due to the impact of the Covid-19 outbreak on the residents of Renfrewshire and the consequences of that for the Council and taking into account the advice issued by both the UK and Scottish Governments, the chief executive has decided that there is an emergency that justifies the convening of the Board. This is further supported by the UK Government's decision to publish emergency legislation to tackle the spread of the virus.
- 3.3 The membership of the Board was approved at the statutory meeting of the Council in May 2017. At that meeting it was agreed that the membership of the Board would comprise three members of the Administration and two members from the opposition. The Board has

not met since then. Therefore, it is reasonable for the Board to wish to review its membership at this time.

- 3.4 Taking into account that the Board will be meeting during a pandemic of a virus, there is a real risk that the members of the Board will contract the virus and be unable to participate at the meetings. In these circumstances it is recommended that up to two substitute members can be appointed for each of the members of the Board. A further measure to recognise the ongoing emergency and the Government advice to avoid unnecessary contact and travel would be to enable members of the board to access meetings from a remote location without having to travel to Renfrewshire House. This could be achieved either through a video and audio link or solely an audio link. It is also proposed that where a decision is required urgently, this can be agreed in written correspondence with all members of the Board provided a majority of the members or their substitutes agree.
- 3.5 Recognising the impact of the epidemic and the measures contained in Government guidance to control the epidemic on elected members and officers of the Council as well as members of the public and other stakeholders who may wish to attend council meetings, it is acknowledged that it would not be possible for the existing decision making arrangements of the Council to operate effectively.
- 3.6 The Emergencies Board will operate in place of the Council and its Boards for the duration of the emergency to decide all major policy matters. All other decisions are to be delegated to officers unless there is a statutory requirement that prevents such a delegation. However, a procedure is to be developed to enable the Board to determine whether it wishes to decide a regulatory or quasi-judicial matter rather than it being decided under the delegation to officers.
- 3.7 Therefore, the proposal is to cancel the Council meeting on 7 May 2020 and the full cycle of Board meetings from 27 March 2020 up to 24 June 2020. The Council meeting planned for 25 June 2020 will remain available although a decision will be taken nearer that date as to whether the meeting can go ahead.
- 3.8 The role of officers during emergencies is already acknowledged in the Scheme of Delegations: Delegations to Officers, which provides that the Chief Executive, all Directors and all Heads of Service have the delegated authority "To take any actions necessary in any emergency situation that are within the remit of their own post or the service for which they are responsible."

- 3.9 It is not possible to predict how long the current emergency will last and how long the emergency arrangements detailed in this report will be required. The chief executive will provide regular briefings to the Board and more generally to all elected members on the Council's reaction to the impact of the virus in Renfrewshire and on any changes to the outlook for the end of the emergency that may lead to the re-establishment of business as usual.

Implications of the Report

1. **Financial** – The Board has the authority to deploy the Council's financial resources throughout the duration of the emergency
2. **HR & Organisational Development** – N/A
3. **Community/Council Planning** – There are no implication for community/Council planning arising directly from this report although it is recognised that the Board may make decisions that will affect these matters.
4. **Legal** – The report concerns the operation of the Emergencies Board which is part of the council's approved governance structure
5. **Property/Assets-** N/A
6. **Information Technology-** N/A
7. **Equality & Human Rights** -
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report . If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

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8. **Health & Safety** – The Board may be required to deal with urgent matters regarding health and safety.
9. **Procurement** – The Board may be required to deal with urgent procurement reports
10. **Risk**- The report concerns the operation of the Emergencies Board which has been established to oversee the Council's operations during an emergency, which in the present case is a global pandemic of the coronavirus. The Board will be responsible for making decisions that could have significant implications for the council and the residents of Renfrewshire.
11. **Privacy Impact** – n/a
12. **Cosla Policy Position** – n/a
13. **Climate Change** – neutral. The report concerns the operation of a Council Board which creates no direct implications for the climate
14. **Fairer Scotland Duty (Strategic Decisions Only)** – n/a

List of Background Papers

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