

To: Council

On: 28 April 2022

Report by: Director of Finance and Resources

Heading: Governance Arrangements

1. Summary

- 1.1 The main purpose of this report is to set out arrangements for Board and Council meetings up to and including the next scheduled meeting of the Council to be held on 30 June 2022. The report also considers arrangements for the Statutory Meeting of the Council which will be held on 19 May 2022.
 - 1.2 The report confirms arrangements for meetings going forward considering the current position on public health measures and guidance in place to combat Covid-19, including the Omicron variant, and any other public health concerns that may prevent elected members attending meetings in person in the Council Chamber.
 - 1.3 The arrangements set out in the report continue those previously put in place to allow maximum flexibility to enable meetings to take place in the most appropriate and safe way, while considering any public health guidance or advice available at the time of the meetings.
 - 1.4 The report also proposes amendments to the Scheme of Delegated Functions; requests a delegation to the Head of Corporate Governance to amend the Protocol for Relations between Political Groups, Elected Members and Officers; proposes arrangements for flag flying in respect of International Workers' Memorial Day; requests a delegation to the Director of Communities & Housing to award funding for community gala days; and provides an update on the appeal by Paul Mack against the sanction of disqualification imposed by the Standards Commission of Scotland.
-

2. Recommendations

- 2.1 Council is asked to:

- a) Approve the arrangements for Council and Board meetings set out in section 3 of this report, which will continue to include the options to use hybrid meetings involving elected members attending meetings in person in Renfrewshire House, should this be consistent with advice and guidance on public health, or to hold meetings remotely using the Teams platform.
- b) Note that the arrangements for future meetings of Council and Boards will be brought to the next scheduled meeting of the Council on 20 June 2022;
- c) Note that the Statutory Meeting of the Council to be held on 19 May 2022 be held in the Council Chambers with the Chief Executive initially as the Chair.
- d) Approve the changes to the Scheme of Delegated Functions as set out in section 4 of this report;
- e) That it be delegated to the Head of Corporate Governance to update the Protocol for Relations between Political Groups, Elected Members and Officers to reflect changes in data protection legislation, the Councillors' Code of Conduct and changes in officer titles;
- f) That it be agreed that each year on International Workers' Memorial Day all flags at Renfrewshire House, Renfrew and Johnstone Town Halls are flown at half-mast.
- g) That it be delegated to the Director of Communities & Housing to consider applications and award funding to organisations involved in running local galas as set out in paragraph 6.1 of this report.
- h) Note that the appeal by Paul Mack was heard by the Court of Session and a written decision was issued on 11 March 2022 and that the appeal was upheld to the extent that the Court reduced the period of disqualification to a period of 10 months running from 10 May 2021.

3. Background - Arrangements for the Next Cycle of meetings

- 3.1 At its last meeting on 3 March 2022, the Council agreed to continue the previously approved arrangements for the conduct of Council and Board meetings including the availability of hybrid meetings for Council with conveners having discretion to continue holding meetings of their Board by Teams. It was also noted that all of the Council and board meetings would be broadcast live to allow the public to observe those meetings.

- 3.2 The Scottish Government Strategic Framework sets out a system of Covid Threat Levels. The guidance for workplaces, supports a managed and gradual return to office-based working, with a hybrid and flexible working practices encouraged. A focus is retained on maximising ventilation and enhanced cleaning and hygiene measures such as provision of alcohol based hand sanitizer. The ongoing return to Renfrewshire House is continuing for the time being to apply such measures including in the Council Chamber, reflecting the current guidance and the duty on the Council to protect the health and well-being of its elected members and employees.
- 3.3 The current arrangements in place that were approved at previous Council meetings allow for hybrid meetings to take place in the Council Chambers, but the protocol adopted by the Council for hybrid meetings allows each convener to decide to hold the meeting remotely by Teams. For the current cycle of meetings all conveners exercised the option available to them to conduct the meeting remotely using Teams. It is proposed that the current arrangements continue and are reviewed again at the next scheduled Council meeting on 20 June 2022.
- 3.4 The Statutory Meeting of the Council following the local government elections will take place at 9.30 am on 19 May 2022. At this meeting the Chief Executive will take the chair initially until the Provost has been appointed. The Leader of the Council will also be appointed at this meeting. As the Chair of this meeting, the Chief Executive will have the option to conduct the meeting remotely using Teams.
-

4. Amendment to Scheme of Delegated Functions

- 4.1 The Council at its meeting held on 3 March 2022 agreed an emergency motion a report to amend the Scheme of Delegated Functions be submitted to the next meeting in relation flying of flags from Council buildings. It is proposed therefore that Section 5E of the Council's Scheme of Delegated Functions be amended to include an additional delegation to the Director of Environment & Infrastructure as follows:

To determine, in written consultation with the Heads of Corporate Governance and Facilities Management, the Provost and political group leaders, which major events deserving of recognition in respect of which flags are to be flown from Council buildings.”

And that the remaining paragraphs are renumbered accordingly.

- 4.2 It is also proposed that Section F, delegations to the Director of Finance & Resources, paragraph 1(b) is amended to reflect changes in guidance related to legislation as follows, additional words in italics:

“(b) To change references to any piece of legislation or *related guidance* where the legislation or *guidance* is amended or repealed and to insert references to new pieces of legislation or *guidance* where the new pieces of legislation or *guidance* largely re-enact the provisions of the amended or repealed legislation or *guidance*.”

- 4.3 It is further proposed that paragraph 61 of Section D, delegations to the Director of Communities & Housing Services be amended from

“61. In respect of the Counter Terrorism and Security Act 2015 Prevent Guidance (Scotland) to be the Council’s single point of contact for Prevent and to make arrangements for holding Prevent Professional Concerns Case Conferences as required.” to

“61. In respect of the guidance issued under sections 36(7) and 38(6) of the Counter-Terrorism and Security Act 2015 to support Prevent Multi-Agency Panel members - to be the Council’s single point of contact for Prevent and to be the designated Chair of PMAP for Renfrewshire.”

5. International Workers’ Memorial Day

- 5.1 It has been the custom and practice over a number of years that on International Workers’ Memorial Day all flags at Renfrewshire House, Renfrew and Johnstone Town Halls are lowered to half-mast. This has been done under the delegated authority of the Director of Environment & Infrastructure in consultation with the Heads of Corporate Governance and Facilities Management and the Provost. It is proposed that, instead of this ad hoc arrangement, this ceremony now be included in the list of days on which the flags on Council buildings are flown at half-mast.
-

6. Funding for Gala Day Organising Committees

- 6.1 It has become apparent that a small number of gala day organising committees will not be able to apply for funding from Local Partnerships as the date of their event precedes that of the relevant Local Partnership meeting in June. It is therefore recommended that delegated authority is given to the Director of Communities, & Housing to consider applications by organising committees that are specifically impacted by the scheduling of meetings. Applications will be assessed and if required conditions are met, an appropriate offer of funding will be made from existing budgets.
-

7. Appeal Against Disqualification

- 7.1 Members have previously been advised that following a Hearing, the Standards Commission of Scotland imposed a sanction of disqualification on Paul Mack to reflect their findings that he had breached several paragraphs of the Councillors’ Code of Conduct. The Standards Commission’s decision was then the subject of an appeal to the Sheriff Principal of North Strathclyde. The Sheriff Principal refused the appeal and the disqualification was upheld.
- 7.2 Mr Mack subsequently submitted an appeal to the Inner House of the Court of Session. The Inner House heard the appeal on 2 March and issued its decision on 11 March 2022.

- 7.3 While the content of the written appeal submission had indicated the Appellant sought to quash the disqualification, the issue before the hearing was whether the length of the disqualification was excessive. There was no appeal against the findings of the original Panel. In making their decision the Court state that they proceeded "...on the basis of the findings made by the panel, including: their assessment that these were serious breaches; that the appellant had no basis for the allegations he was making; that they constituted gratuitous personal abuse; that the breaches were deliberate in nature, intended to be disrespectful, to cause offence and to harass; that the appellant had no insight, and had failed to learn from two prior suspensions imposed for breaching the code, thus raising issues about the prospect of repetition; that the breaches included not just discourtesy, disrespect and abuse towards other councillors, but involved intimidation and harassment of council employees; and that the breaches had the potential to disrupt working relations and pose a threat to the council's reputation and to the role of elected representatives. In short, the panel was fully entitled to reach the conclusion that the only appropriate sanction was disqualification, and that the disqualification ought not to be brief."
- 7.4 The Court found that the Panel had erred in not giving sufficient weight to the question of the upcoming Local Government Elections, that it had not sufficiently addressed the need to select a period of disqualification that did not interfere with the Appellant's Article 10 rights freedom of expression, and had exceeded its remit in deciding the Appellant was unfit to hold office. The Court therefore quashed the disqualification of 16 months and assessed, of new, what period of disqualification should be imposed. Taking in to account the period already served, the Court imposed a disqualification of 10 months running from 10 May 2021.
- 7.5 The reduced period of disqualification imposed by the court has an impact on one matter. Mr Mack will be able to stand for election in the upcoming Local Government Elections whereas the previous length of disqualification would have prevented him from so doing. Beyond that, the imposition of a shorter period does not change the impact of a disqualification. It remains the case that Mr Mack is not an Elected Member of Renfrewshire Council as he ceased to be a councillor as soon as the disqualification was imposed.

Implications of the Report

1. **Financial** – None.
2. **HR & Organisational Development** – None.
3. **Community/Council Planning** – None.
4. **Legal** – As detailed in the report.
5. **Property/Assets** – None.

6. **Information Technology** – The report refers to the successful introduction of a system from Public-i which enabled hybrid meetings to be undertaken with some members being present in the Chamber with others accessing remotely and also for those meetings to be broadcast live.
7. **Equality & Human Rights** – 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 because it is for noting only. 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.
8. **Health & Safety** – The proposals in the report recognise that it's formal Council and Board meetings only take place in Renfrewshire House when it is safe to do so. The report also acknowledges that where meetings can take place in Renfrewshire House, the number of attendees may be limited the restrictions that are in place at the relevant time.
9. **Risk** – None.
10. **Privacy Impact** – The report refers to the live broadcasting of Council and Board meetings.
11. **Cosla Policy Position** – None.
12. **Climate Risk** – None.

List of Background Papers –

- 1) Minute of the Council meeting on 3 March 2022.

Author: Mark Conaghan, Head of Corporate Governance.