
To: Council

On: 26 November 2020

Report by: Director of Finance and Resources

Heading: Governance Arrangements

1. Summary

- 1.1 The purpose of this report is to (a) consider changes to the Conservative group's membership of the Audit, Risk & Scrutiny Board, Communities, Housing & Planning Policy Board, the Leadership Board, and the Licensing Board; and CoSLA; (b) to advise Council of the membership of the Cultural Regeneration Panel; (c) to consider the membership of the Climate Change Sub-committee; and (d) an addition of a delegation to the Director of Housing, Communities & Planning Services to exercise powers under corona virus related legislation.
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2 Recommendations

- 2.1 That the Council consider the appointment of (a) Councillor Graham to the Leadership Board, the Communities, Housing & Planning Policy Board and the Licensing Board; (b) Councillor Strang to the Audit, Risk & Scrutiny Board; and (c) Councillor Graham as one of the Council's representatives to CoSLA in place of Councillor J MacLaren;
- 2.2 That Councillor Devine and McCartin's membership of the Recovery and Renewal Fund Member Review Panel be noted;

- 2.3 That the membership of the Climate Change Sub-committee be extended by one administration member, being Councillor Hughes and one other opposition member being Councillor McCartin; and
- 2.4 That a delegation be granted to the Director of Communities, Housing and Planning and the Head of Communities and Public Protection to authorise the exercise of enforcement powers by Trading Standards officers, Environmental Health officers and their managers on the Council's behalf where those enforcement powers are included in legislation in response to the Covid-19 epidemic.
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3 Background

Changes to Conservative Group Membership of Boards and other Bodies

- 3.1 Councillor Graham, Leader of the Conservative Group, has indicated that the following changes should be considered.
- Councillor Strang to replace Councillor Graham on the Audit, Risk & Scrutiny Board
 - Councillor Graham to replace Councillor Strang on the Communities, Housing & Planning Policy Board
 - Councillor Graham to replace Councillor James MacLaren on the Leadership Board
 - Councillor Graham to replace Councillor Kerr on the Licensing Board.
- 3.2 In terms of the Licensing (Scotland) Act 2006 all members of the Licensing Board require to undertake a course of training accredited by the Scottish Ministers within three months of their appointment to the Licensing Board, whether or not they have been Licensing Board members before. Assessment of training is taken under exam conditions.
- 3.3 Councillor Graham has indicated that he should replace Councillor James MacLaren as one of the Council's representatives to CoSLA.

Cultural Recovery and Renewal Fund Member Review Panel

- 3.4 The Leadership Board at its meeting on 16 September 2020 agreed to establish a Cultural Recovery and Renewal Fund Member Review Panel made up of one representative of Renfrewshire Leisure, one representative from Renfrewshire Council and a community representative appointed by Engage Renfrewshire. Expressions of interest in the elected member positions were received from Councillors Devine, Andy Doig and McCartin.

As a member of the Board of Renfrewshire Leisure, Councillor McCartin took the position of the Renfrewshire Leisure representative. A cutting of cards procedure was then used to determine the Renfrewshire Council representative. Councillor Devine having received the highest value card was appointed to the Panel.

Climate Change Sub-Committee

- 3.5 The Council at its meeting held on 27 February 2020 agreed that a climate change sub-committee of the Leadership Board be established. Thereafter the Leadership Board at its meeting held on 16 September 2020 agreed that the sub-committee comprise seven members to be nominated by the Administration and opposition groups. These members are: Councillors Brown, Graham, Hood, McEwan, McGurk, Nicolson (chair) and Shaw. By seeking nominations from political groups, this has inadvertently disadvantaged Councillor McCartin who had been a member of the climate change working group and who had intimated her interest in being a member of the Sub-committee.
- 3.6 Councillor Nicolson has proposed that the membership of the sub-committee be extended by one other Administration member and that Councillor McCartin and Cllr Hughes be appointed to the Sub-committee. In terms of Standing Order 28 – rescinding of decisions – the Provost is satisfied that this is a material change in circumstances that was not apparent at the time the original decision on the membership of the sub-committee was made.

Delegation to use Enforcement Powers under Coronavirus related Legislation

- 3.7 The Director of Communities, Housing and Planning and the relevant Heads of Service have delegated authority in terms of the Council's Scheme of Delegated Functions to authorise officers to exercise specified statutory powers on behalf of the Council. However, the delegation predated the legislation which has been brought into force to address the Covid-19 pandemic.
- 3.8 To recognise this, the Emergencies Board on the 18 September 2020 approved the following delegation:
- “Agrees with immediate effect to designate the Council's Environmental Health Officers and Trading Standards Officer and their managers as relevant persons under the Health Protection (Coronavirus) (Restrictions and Requirements)(Scotland) regulations 2020 and Health Protection (Coronavirus)(Restrictions)(Directions by Local Authorities)(Scotland) Regulations 2020, as made under the Coronavirus Act 2020 and authorises them to undertake the powers available to relevant persons on the Council's behalf”.

However, due to the frequency and short notice given when Covid-19 regulations are issued, some of which will include enforcement powers for local authority officers, there is a risk that the authorisations available to the Council's Environmental Health Officers, Trading Standards Officers and their managers which currently exist become out of date. This may lead to those categories of officers not having the necessary authorisations to undertake their enforcement activities.

- 3.9 To address this risk, it is proposed that the Director of Communities, Housing and Planning and the Head of Communities and Public Protection are given a delegation to authorise those categories of officers to exercise enforcement powers under any future Coronavirus related legislation.

Implications of the Report

1. **Financial - *None***
2. **HR & Organisational Development – *None***
3. **Community/Council Planning – *None***
4. **Legal –** The report concerns the appointment of members to position on Boards and other bodies. The report also concerns the making of a new delegation to authorise officers to exercise enforcement powers contained in legislation to deal with the Covid-19 pandemic.
5. **Property/Assets – *None***
6. **Information Technology – *None***
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.
8. **Health & Safety – *None***
9. **Procurement – *None***

10. **Risk – None**
11. **Privacy Impact – None**
12. **CoSLA Policy Position – None**
13. **Climate Risk** – The report refers to the membership of the recently established Climate Change Sub-committee which will consider climate risk items.

List of Background Papers

- (a) Background Paper 1 – None

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