

Item: 3

Special General Meeting of the Council: 15 September 2021.

Governance Arrangements.

Report by Chief Executive.

1. Purpose of Report

To consider the continued governance arrangements to support decision making of the Council, in light of legislative amendments in respect of public access to Council meetings.

2. Recommendations

The Council is invited to note:

2.1.

That, at the General Meeting held on 2 March 2021, the Council agreed to continue the temporary amendments to the Standing Orders, attached as Appendix 1 to this report, in order to facilitate efficient and timely decision making in response to the Coronavirus pandemic.

2.2.

That all formal meetings of the Council and its committees and sub-committees continue to meet through remote/virtual attendance in Microsoft Teams.

2.3.

That, although lockdown restrictions have gradually eased since May 2021, the message from the Scottish Government remains that, where possible, it is recommended that Council staff and elected members continue to work from home.

2.4.

That, from 1 October 2021, the Council will no longer be able to exclude the public from meetings of the Council, its committees and sub-committees for Coronavirus-related reasons.

2.5.

That, in order to facilitate public access, consideration requires to be given either to reintroducing in-person public meetings, where practicable, or audiocasting meetings live.

2.6.

That, in order to facilitate blended meetings, the technology in the Council Chamber could be improved with the installation of additional cameras which are linked to the microphone system and Microsoft Teams at a cost of £15,000.

2.7.

Options in respect of the resumption of formal 'in-person' Council meetings, as detailed in section 7 of this report, with the preferred option being Option 2, namely a return to the Council Chamber for 'in-person' meetings where the number of attendees, both Elected Members and officers,) be contained within the limit of 23 persons.

It is recommended:

2.8.

That, subject to Scottish Government guidance in place at that time, Option 2, namely the return to 'in-person' Council meetings in the Chamber, be implemented with effect from 25 October 2021, but limited to meetings where the number of attendees is contained within the limit of 23 persons physically present in the Chamber and five in the public gallery.

2.9.

That the technological equipment in the Council Chamber be upgraded to facilitate blended meetings, at a cost of £15,000 plus installation, to be met from the Capital Fund.

2.10.

That, where attendance is anticipated to exceed the maximum numbers permitted in the Council Chamber, powers be delegated to the Chief Executive, in consultation with the relevant Chair and Vice Chair to determine, on a case-by-case basis, whether the meeting should be held virtually on Microsoft Teams or in person.

2.11.

That the temporary amendments to the Standing Orders, detailed in Appendix 1 to this report, be withdrawn, with the exception of Standing Order 12.3, Standing While Speaking, which should remain in force for as long as meetings of the full Council are held virtually on Microsoft Teams.

3. Background

3.1.

On 23 March 2020, the Council agreed temporary amendments to Standing Orders in order to facilitate efficient and timely decision making in response to the Coronavirus pandemic.

3.2.

On 6 October 2020, the Council reviewed the emergency governance arrangements and agreed that the temporary amendments should continue to remain in place, to be reviewed no later than the General Meeting of the Council to be held on 2 March 2021. The Council also agreed a protocol for remote attendance which was subsequently incorporated into the Standing Orders.

3.3.

On 2 March 2021, the Council again reviewed the emergency governance arrangements and agreed that the temporary amendments to the Standing Orders, attached as Appendix 1 to this report, should continue to remain in place, to be reviewed no later than the General Meeting of the Council to be held on 5 October 2021.

4. Impact of Current COVID-19 restrictions

4.1.

Although lockdown restrictions have gradually eased since May 2021, the message from the Scottish Government is still that, where possible, it is recommended that Council staff and elected members continue to work from home.

4.2.

A gradual return to offices can begin in line with staff and elected member wellbeing discussions and business need, however home working continues to be an important mitigation for controlling the virus. The economic and social benefits of people being able to meet and work together in offices are recognised however and employers are encouraged to consider, for the longer term, a hybrid model of home and office working. Guidance has been published by the Scottish Government to support the gradual return to offices which is being actively considered by officers.

4.3.

In respect of Council meetings, it is important that due consideration is given to the best format to ensure the regulations and guidance are adhered to. Each meeting or event needs to be risk assessed and measures must be taken to reduce the potential risk of transmission.

4.4.

To be compliant with The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021, and relevant health and safety legislation and to ensure the safety of all employees and elected members, the following measures must be observed for 'in-person' attendance at a meeting:

- Face coverings must be worn when entering/moving around the public indoor venue, for example the Council Offices or workplace.

- One metre Physical Distancing – seating should be arranged to ensure one metre physical distancing is maintained. This will allow face coverings to be removed for the duration of the meeting, but only whilst attendees are seated.
- Ventilation – windows or doors should be open for the duration of the meeting.
- Ensuring good hygiene and cleaning practices – providing hand sanitiser at the venue.
- Limiting the number of attendees.
- Equipment installed to monitor the levels of carbon dioxide.
- Where an attendee feels any onset of COVID-19 symptoms, they should not attend the meeting, immediately self-isolate and book a test in accordance with current guidance.

4.5.

Notwithstanding the above arrangements for the ‘in-person’ meeting, attendees may decide not to attend the meetings in-person due to, for example, an underlying health issue and/or self-isolating, and this decision must be respected. Provision therefore should be made for blended attendance at the meeting to allow remote attendance.

5. Technology for Blended Meetings

5.1.

To facilitate blended meetings, the technology in the Council Chamber could be improved with the installation of additional cameras linked to the microphone system and Microsoft Teams. This would provide an enhanced blended experience for both those physically present and those participating remotely.

5.2.

The estimated cost to upgrade the system is £15,000, which could be met from the Capital Fund. The upgrade of the microphone and audiocasting equipment undertaken in 2019 was funded through the Capital Fund with the final costs coming in at £15,000 less than originally estimated.

5.3.

If an upgrade to the technology is approved, it is prudent to highlight the timing challenges of delivering this and that, as well as supply chain concerns related to COVID-19 and Brexit, the lead-in time of a potential supplier due to industry demands could delay implementation to early 2022.

6. Public Attendance

6.1.

In terms of the Coronavirus (Scotland) Act 2020, local authorities are currently allowed to exclude members of the public from their meetings for reasons relating to Coronavirus. The specific provisions are contained in Paragraph 13 of Schedule 6 (grounds for exclusion of the public from meetings of local authorities).

6.2.

However the position is about to change as these provisions are explicitly stated in Section 2 of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, which came into force on 5 August 2021, to be expiring on 30 September 2021.

6.3.

The effect of the expiry of those specific named provisions is that, with effect from 1 October 2021, the Council (including its committees) will no longer be able to exclude the public from their meetings for Coronavirus-related reasons. Nonetheless, whilst the public may no longer be excluded from 1 October 2021, other COVID-related measures may still need to remain in place to ensure safety, for example, the wearing of face coverings, depending on the guidance in place at the time.

6.4.

In order to facilitate public access, consideration requires to be given either to reintroducing in-person public meetings (where practicable) or audiocasting meetings live.

6.5.

A further challenge to this is, pre-pandemic, the Council did not live audiocast all meetings. Due to resourcing issues, it is not possible to commence live audiocasting all Council meetings from 1 October 2021, however a review of audiocasting is underway and will be presented to the Policy and Resources Committee for consideration at its meeting to be held on 23 November 2021.

6.6.

In order to meet the legislation, meetings of the Council, where numbers enable an 'in-person' meeting, will allow public access in the Chamber gallery, albeit limited to five persons to comply with physical distancing requirements. Where numbers do not enable an 'in-person' meeting, meetings will need to be audiocast live.

7. Options Appraisal

7.1.

When considering the resumption of formal 'in-person' Council meetings, as the capacity of the Chamber is 23 persons with one metre physical distancing, it is not possible to revert back to 'in-person' meetings for all meetings of the Council and its committees given the number of officers, in addition to Elected Members, who also would be in attendance.

7.2.

Whilst virtual meetings have been an efficient and effective method to continue Council business during the restrictions, participants recognise the value of in-person meetings which allow attendees to express themselves through body language and facial expressions and there is a desire to return to in-person meetings where it is safe to do so.

7.3.

The following options are therefore presented for consideration:

- Option 1 – Continue all meetings of the Council, its committees and sub-committees on Teams until such time as there is no requirement for one metre physical distancing.
 - All meetings would require to be audiocast live to meet the statutory duty to allow public access.
 - The Council does not currently audiocast all meetings live, and due to resourcing issues, may not be able to provide this for 1 October 2021.
- Option 2 – Return to the Chamber for 'in-person' meetings where the number of attendees (Elected Members and officers) can be contained within the limit of 23 persons.
 - Meetings would be audiocast live and a maximum of five persons allowed in the public gallery on a first come first served basis.
 - For this option, meetings of the full Council and the Policy and Resources Committee would require to remain on Microsoft Teams.
- Option 3 – As Option 2, namely 'in-person' meetings, but expanded to include securing a larger venue for meetings of the full Council and the Policy and Resources Committee.
 - This however would be resource intensive, in that the microphone equipment would require to be relocated to the larger venue in order to facilitate the meeting.

7.4.

The recommended option is Option 2 as this provides a safe, phased return to 'in-person' meetings where appropriate. It is therefore proposed, in order to comply with the legal duty, to commence from 1 October 2021, subject to Scottish Government guidance in place at that time, for a return to 'in-person' meetings in the Council Chamber, limited to meetings of committees and sub-committees where numbers are lower and will be contained within the limit of 23 persons in the Chamber and five persons in the gallery. Meetings where number of participants exceed 23, for example meetings of the Policy and Resources Committee and General Meetings, will remain on Microsoft Teams and will be audiocast live.

7.5.

Should Option 2 be agreed, it is further proposed that, where attendance is anticipated to exceed the maximum numbers permitted in the Chamber, powers be delegated to the Chief Executive, in consultation with the relevant Chair and Vice Chair, to determine, on a case-by-case basis, whether the meeting should be held virtually through Microsoft Teams or in person.

8. Temporary Amendments to Standing Orders

8.1.

Temporary amendments to the Standing Orders, attached as Appendix 1 to this report, were agreed to facilitate more efficient and timely decision making, particularly at the start of the response to the pandemic when the normal cycle of Council meetings was suspended. The amendments enabled the Council to act swiftly to provide an appropriate and proportionate response to the impact of the Coronavirus pandemic.

8.2.

As the normal cycle of Council meetings has re-commenced, it is proposed that, regardless of whether Option 1 or Option 2 is agreed, these amendments are no longer considered necessary, with the exception of the amendment to Standing Order 12.3, which states:

Standing While Speaking – At General Meetings of the Council, Members shall stand when speaking, and shall address the Convener.

8.2.1.

As General Meetings of the Council will continue to be held virtually on Microsoft Teams until such time as restrictions are lifted which will allow more than 23 persons in the Chamber, it is proposed that Standing Order 12.3 remain suspended meantime.

9. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

10. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

11. Financial Implications

11.1.

There has been some additional cost incurred for remote meetings with the provision of additional computer screens for Committee Chairs, but this will have been offset to a degree through the reduction in paper copies of agendas.

11.2.

The recommended installation of additional cameras which are linked to the microphone system and Microsoft Teams will cost £15,000, which can be met from the Capital Fund. Operation of the Capital Fund is delegated to the Chief Executive, in consultation with the Head of Finance.

12. Legal Aspects

The legal aspects are contained within the body of this report.

13. Contact Officers

John W Mundell, Interim Chief Executive, extension 2101, Email chief.executive@orkney.gov.uk.

Karen Greaves, Head of Executive Support, extension 2202, Email karen.greaves@orkney.gov.uk.

14. Appendices

Appendix 1 – Temporary Revisions to the Standing Orders.

Appendix 2 – Equality Impact Assessment.

Appendix 1.

Temporary Amendments to Standing Orders

The following temporary amendments to the Standing Orders are approved, with effect from 23 March 2020, to be reviewed by Council no later than 5 October 2021:

| Standing Order. | Amendment. | Outcome(s). |
|---|---|---|
| <p>Publication of Time and Place of Meeting.</p> <p>6.2 – At least three Clear Days before a Meeting, and normally seven days before a Meeting, the Chief Executive must:</p> <p>6.2.2. Issue the Agenda to Members.</p> | <p>To reduce the number of Clear Days to one.</p> | <p>To allow meetings to be called at short notice – in particular within the same working week.</p> <p>Noting that this is the issue of the agenda (ie the list of business to be considered) calling the meeting. Reports may be presented as late as the time of the meeting.</p> |
| <p>Remote Attendance.</p> <p>8.12 – A Member participating in a Meeting from a remote location will be excluded from the Meeting when an item of business is being considered and it is likely that Confidential Information and/or Exempt Information will be disclosed.</p> | <p>Suspend SO 8.12 upon receipt of written assurance from a Member attending a meeting from a remote location that the proceedings of the meetings will not be heard by any person in their vicinity.</p> | <p>To allow Members to be able to participate in all business in particular at short notice.</p> |
| <p>Standing While Speaking.</p> <p>12.3 – At General Meetings of the Council, Members shall stand when speaking, and shall address the Convener.</p> | <p>Suspend the need to stand up and speak.</p> | <p>To effect business during the meeting, particularly with items which may require lengthy discussion.</p> <p>Note – this SO only applies at General Meetings of the Council.</p> |

| Standing Order. | Amendment. | Outcome(s). |
|--|--|---|
| <p>Agenda Management – General Principles.</p> <p>14.1 – In order to ensure that the Council receives appropriate and necessary advice before making decisions, Agendas shall consist of reports from the Chief Executive, Executive Directors and Statutory Officers.</p> <p>14.3 – Reports must be lodged, in completed form, with the Chief Executive by the dates specified, namely 12:00 three working days prior to the day on which the Agenda is to be issued.</p> | <p>New information may require to be provided via a verbal report to supplement written report.</p> <p>New written information may need to be presented on the day of the meeting.</p> | <p>To be able to present the most up to date information to enable members to make an informed decision at the meeting.</p> |



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

| 1. Identification of Function, Policy or Plan | |
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| Name of function / policy / plan to be assessed. | Governance Arrangements during the Pandemic |
| Service / service area responsible. | Chief Executive's Service |
| Name of person carrying out the assessment and contact details. | Karen Greaves |
| Date of assessment. | 22/02/21 |
| Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly). | Continuation of change to method of provision for some council meetings in response to Coronavirus Pandemic safety measures. Temporary changes to the way in which the public can access the meetings in person and that, for virtual meetings that a live stream is available. |

| 2. Initial Screening | |
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| What are the intended outcomes of the function / policy / plan? | To ensure continued decision making through Council meetings. |
| Is the function / policy / plan strategically important? | Yes. |
| State who is, or may be affected by this function / policy / plan, and how. | All Councillors, Officers and wider public interest |
| How have stakeholders been involved in the development of this function / policy / plan? | Councillors and officers |

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| <p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p> | <p>Existing policies for decision making remain in place but adapted to enable them to be undertaken using digital / remote attendance. This practice enables decision making to continue for the Council.</p> <p>Poor digital connectivity is frequently cited as an issue effecting rural areas and indeed, Orkney Islands Council recognise the impact of not having access to resilient, effective and high speed digital communications.</p> |
| <p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p> | <p>(Please complete this section for proposals relating to strategic decisions).</p> |
| <p>Could the function / policy have a differential impact on any of the following equality areas?</p> | <p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p> |
| <p>1. Race: this includes ethnic or national groups, colour and nationality.</p> | <p>None – all have access to meetings through virtual means.</p> |
| <p>2. Sex: a man or a woman.</p> | <p>None – all have access to meetings through virtual means</p> |
| <p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p> | <p>None – all have access to meetings through virtual means</p> |
| <p>4. Gender Reassignment: the process of transitioning from one gender to another.</p> | <p>None – all have access to meetings through virtual means</p> |
| <p>5. Pregnancy and maternity.</p> | <p>None – all have access to meetings through virtual means</p> |
| <p>6. Age: people of different ages.</p> | <p>None – all have access to meetings through virtual means</p> |
| <p>7. Religion or beliefs or none (atheists).</p> | <p>None – all have access to meetings through virtual means</p> |
| <p>8. Caring responsibilities.</p> | <p>All have access to meetings through virtual</p> |

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| | <p>means.</p> <p>Potential positive impact – having the ability to attend a council meeting virtually is likely to provide greater flexibility which could positively impact those with caring responsibilities.</p> |
| 9. Care experienced. | None – all have access to meetings through virtual means |
| 10. Marriage and Civil Partnerships. | None – all have access to meetings through virtual means |
| 11. Disability: people with disabilities (whether registered or not). | <p>(Includes physical impairment, sensory impairment, cognitive impairment, mental health)</p> <p>All have access to meetings through virtual means.</p> <p>Potential differential impact - Increasing the use of digital services can provide greater flexibility for some people with disabilities in terms of provision for personal computer settings and assistive technology.</p> <p>Some disabilities however, can have a negative impact on the ability to use digital / virtual technology.</p> |
| 12. Socio-economic disadvantage. | <p>All have access to meetings through virtual means</p> <p>Potential differential impact - Age UK statistics suggest that people in higher socio-economic groups are more likely to use the internet than those in lower groups.</p> |
| 13. Isles-proofing. | <p>All have access to meetings through virtual means.</p> <p>Potential differential impact - Poor digital connectivity is frequently cited as an issue effecting rural areas.</p> |

3. Impact Assessment

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| Does the analysis above identify any differential impacts which need to be addressed? | Yes. |
| How could you minimise or remove any potential negative impacts? | <p>Staff and councillors will be adequately informed and trained on the use of digital / virtual technology.</p> <p>There are regular opportunities for feedback and additional support / adjustments can be provided on a case by case basis.</p> <p>Where connectivity is poor, option for telephone dial in or audio only is available.</p> |

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| Do you have enough information to make a judgement? If no, what information do you require? | |
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4. Conclusions and Planned Action

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| Is further work required? | No. |
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| What action is to be taken? | None. |
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| Who will undertake it? | |
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| When will it be done? | |
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| How will it be monitored? (e.g. through service plans). | |
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Signature:



Date: 10/09/21

Name: KAREN GREAVES

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrrsupport@orkney.gov.uk