

# PERTH AND KINROSS COUNCIL

27 January 2021

## DECISION MAKING AND COMMUNICATION ARRANGEMENTS

### Report by Chief Operating Officer (Report No. 21/12)

The purpose of the report is to agree interim decision-making arrangements and elected member engagement in response to the Coronavirus (COVID-19) restrictions announced by Scottish Government and effective from 5 January 2021. These adjustments are designed to free up officer capacity in order to focus on the COVID-19 response and to maintain elected member decision-making and oversight.

#### 1. BACKGROUND

- 1.1 At the start of the pandemic, the Council put in place a range of measures in response to the coronavirus pandemic (COVID-19) and the resulting national restrictions which were designed to suppress the virus and protect lives.  
([Report No 20/91](#))
- 1.2 In summary, the measures included a weekly Sounding Board comprising Group Leaders or a representative of groups; decisions being taken by the Chief Executive/Gold Command and subsequently reported to Council, as set out in Section 15.5 of the Scheme of Administration; short term suspension of all scheduled meetings of the Council and its committees, Sub-committees, etc and with a gradual return of some meetings of the Council and its Committees until 17 August 2020 when the period of Emergency Powers came to an end.
- 1.3 The normal timetable of Council meetings resumed thereafter, and meetings continue to be held virtually. These arrangements have ensured elected members continue to provide strategic direction and scrutiny of the work of the Council.
- 1.4 Council workplaces remain closed for the majority of employees and elected members, in line the Scottish Government Strategic Framework which requires working from home, wherever possible.

#### 2. CURRENT SITUATION

- 2.1 A steep increase in coronavirus (COVID-19) infections and new variants which make the virus highly transmissible have placed unprecedented pressure on the NHS. New vaccines are being approved and have now started to be administered as part of a mass vaccination programme. However, the UK is currently seeing a race between the spread of the virus and the rollout of the vaccine which will provide vital protection against it. In response to the worsening situation, the Scottish Government announced tighter restrictions for all areas of the Scottish mainland who moved from Level 4 to a temporary Lockdown with effect from 5 January 2021. These

tighter restrictions introduced a new legal requirement forbidding anyone from leaving their home except for essential purposes.

- 2.2 In practice, although different to the Lockdown which was in place from March 2020, these new restrictions have required the stepping up of the Council's emergency command structure. These new restrictions also mean the Council has again focussed on essential services which save and protect lives, prevent, reduce and control the spread of infection in our communities, support vulnerable people, and support the economy of Perth and Kinross.
- 2.3 It is vitally important that officer capacity at all levels is released to focus on the response to the pandemic at national, regional and local levels, maintaining essential services and providing support to NHS for the mass vaccination programme. Local government officers are responsible for the delivery of a broad range of vital operational services which protect life and limb, help stop or slow down the spread of the virus, protect health and wellbeing, provide children's learning and support the economy in these extraordinary and challenging times. The Level 4 Plus restrictions also come at a time when the Council is dealing with severe weather and is responding to the complexities of the EU Exit Deal, agreed late in December 2020. In particular, outwith maintaining our own essential services we also require to free-up officer resource to support our health partner with the mass vaccination programme, along with any other requests we may receive to support the ongoing response either locally or nationally.
- 2.4 Staff continue to work long hours, providing advice and support to cope with the volume of work, whenever required, including over the festive break, early mornings, late evenings and weekends which should be providing periods of rest. As the levels of community transmission of the virus remains high within Perth and Kinross, capacity is affected by sickness absence, self-isolation as well as shielding. Wherever possible, staff are working from home when self-isolating or shielding, with appropriate support in place. Many staff who are parents or carers of school age children are also facing the challenge of balancing work with supporting remote learning.
- 2.5 Staff continue to be retasked to work in essential services which may see a change in focus in their duties within their normal area of business; or it may involve retraining to learn new skills and knowledge to support another area of growing demand and need. Some staff have volunteered to be Covid Responders and support essential work being led by other partners, such as Contact Tracers and administrative support as part of the mass vaccination programme. The cumulative impact of these additional demands is pressure within the system. Therefore, in addition to reviewing operational priorities, it is only right that the governance and communication arrangements are also reviewed to help alleviate this pressure.
- 2.6 Some temporary adjustments are necessary to our governance arrangements in order to achieve two outcomes:-
  1. Maintain elected members decision-making and oversight; and
  2. Release officer capacity to focus on the Council's COVID-19 response.

- 2.7 Reference has been made to the benchmarking work carried out by SOLACE and Cosla on elected member decision-making amongst all Scottish local authorities. Feedback from Perth and Kinross elected members on the arrangements which were in place last year has also been considered in setting out the interim governance and communication arrangements, as set out below.

### **3. PROPOSALS**

- 3.1 Following discussion with all five political groups, proposals are made regarding council meetings, finance, communication and other business matters as outlined below.

#### **Council Meetings**

- 3.2 One of the most significant temporary changes which would release officer capacity involves changes to the Committee timetable which was approved by Council on 16 December 2020 for the period January – June 2021. Options have been considered and officers have identified two approaches which achieve the two objectives outlined above. In each approach, the provisions in paragraphs 3.5 to 3.10 would also apply.

#### Option 1 – Limited Committee Business and Executive Sub-Committee with Additional Delegated Powers

- 3.3 Maintain where possible the current committee timetable for February – June 2021 but limit the items of business to those which absolutely require an urgent and important strategic decision. If there is insufficient business for Lifelong Learning, Environment & Infrastructure, Housing & Communities and Strategic Policy & Resources, Scrutiny and Audit Committees (and their Sub-committees) then the meeting will be cancelled. Urgent and important business requiring a decision which cannot await the next scheduled Committee meeting will be considered by the Executive Sub-committee of the Strategic Policy & Resources Committee. This proposal requires an amendment to the Scheme of Administration to grant additional delegated powers for this Sub-committee to determine any urgent strategic matters which would, ordinarily, require a decision by Council, Committee or Sub-committee, etc. and which cannot await the next meeting of that body.

#### Option 2 – Suspend Committees (except quasi-judicial) and use Scheduled Council Meetings and a newly constituted Urgent Business Committee

- 3.4 Lifelong Learning, Environment & Infrastructure, Housing & Communities and Strategic Policy & Resources, Scrutiny and Audit Committees (and their sub-committees) are temporarily suspended. All urgent and important strategic decisions which would ordinarily be considered by these committees will be considered by Council along with an update on the Covid response. Urgent and important business requiring a decision which cannot await the next scheduled meeting of Council will be considered by an Urgent Business Committee (UBC). This proposal requires an amendment to the Scheme of Administration to establish an Urgent Business Committee. The purpose of

the committee would be to determine any urgent strategic matters which would, ordinarily, require a decision by Council, Committee or Sub-committee, etc. and which cannot await the next meeting of that body. The Council will determine the size and membership of the Urgent Business Committee, having regard to the membership of themed committees which is currently 13 or 15. To provide some structure, it is proposed that a meeting of the UBC is pencilled in between Council meetings which can be convened if and when required. If there are extreme circumstances, then the UBC can be convened at any time at short notice.

#### Quasi-Judicial Committees

- 3.5 Committees and Boards linked to the quasi-judicial role of the Council, Licensing Board, Licensing Committee, Local Review Body, Planning & Development Management Committee, along with Placing Request appeals, the Attendance Sub-Committee and employment appeals will take place in accordance with the approved schedule, or arranged as necessary.

#### Common Good Committees

- 3.6 Financial assistance requests would be considered by email to seek agreement of the members of the relevant Common Good Committee, providing the amount of funding requested can be contained within the approved Financial Assistance Budget for the Fund, or in the absence of an approved Budget, within the estimated annual income for the Fund. Any other decision required of a Common Good Committee would be considered by either a meeting of Council or any Urgent Business Committee.

#### Trade Unions

- 3.7 Meetings of the JNC(T), JCC and Corporate Health, Safety and Wellbeing Committee will continue in accordance with the approved schedule in recognition of the importance of working closely with our trade unions and professional associations during these unprecedented times. These arrangements will complement the ongoing involvement and engagement with trade union/safety representatives on risk assessments, safe systems of work, PPE, health and wellbeing which continue at a service and local level.

#### Member Officer Working Groups

- 3.8 Member Officer Working Groups (MOWGs) will also be considered by the chair and lead officer on a case by case basis to determine if there are any urgent matters which require such meetings to take place. MOWGs are very useful fora for engaging elected members in shaping strategies, policies, governance arrangements etc ahead of finalising reports for consideration by the relevant Committee or Sub-committee. It is envisaged that in the short term, there will be insufficient officer capacity to service the MOWGs – however, they will be re-introduced as soon as practicable to do so.

### Exceptional Urgent Decisions

- 3.9 Section 15.5 of the Scheme of Administration gives the Chief Executive emergency powers to take any decision that would normally be taken by Council or its Committees – subject to the decision being reported to Council as soon as possible. This delegated authority remains in place should such unique circumstances require its use and any such decisions would be reported to all political groups for information as soon as possible.

### Reports

- 3.10 Over the period of these measures being in place, reports will be shorter and more focussed, and, on occasion, business may be addressed by way of presentation or verbal update.
- 3.11 The temporary changes to decision-making arrangements will be in place from 3 February 2021 (after the Housing & Communities Committee which will meet as planned) and until 30 June 2021, at the latest. The continuation of these arrangements will be reviewed at Council meetings.
- 3.12 **ACTION:** The Council is asked to consider the above options and approve temporary changes to the Committee timetable in order to release officer capacity to focus on the Covid response and maintain elected member decision-making and oversight.

### **Finance (Revenue and Capital Budget)**

- 3.13 On 16 December 2020, in recognition of the potential impact of COVID-19 on capacity to support the development of Revenue and Capital Budgets, the Council endorsed a set of temporary principles. These principles are set out in full at Appendix 3 (Report No. 20/256 refers).
- 3.14 As set out at paragraph 2.2 above, the Council is now focussed on the delivery of Essential Services. The development of the Revenue and Capital Budgets is a significant strategic and corporate undertaking, requiring input and support both from finance officers and senior managers across the Council. In addition to the challenges on management capacity presented in responding to COVID-19, finance officers have been diverted to focussing on the significant increase in the volume of payments (including business grants, school meals and wider welfare support). The remainder of finance capacity is now preparing to support other essential services as required.
- 3.15 This is a material change to the situation set out in December 2020 and will result in less capacity available to support Revenue and Capital Budgets.
- 3.16 Given the unprecedented circumstances, the Budget Review Group (BRG) meetings scheduled for January and early February cannot be supported by officers nor can officer time be committed to undertaking further detailed work in response to BRG requests.

- 3.17 The following section sets out a pragmatic proposal to ensure that, as required by law, the Council sets a balanced 2021/22 Revenue Budget.
- 3.18 It is still anticipated that the Scottish Government will publish its draft 2021/22 Budget on 28 January 2021 and, subject to the local government circular being available on the same day, the implications of this will be presented to elected members on 1 February 2021.
- 3.19 To meet the Council's statutory Revenue Budget obligations, the Head of Finance will prepare a report presenting a Revenue Budget for consideration by Council at the Special Council meeting on 3 March 2020. For clarity, this report will be based upon and reflect the following:
- 2021/22 Provisional Council Tax and inflation assumptions in the updated Medium-Term Financial Plan approved by Council in September 2020 (subject to any guidance issued by the Scottish Government)
  - Updated 2021/22 Provisional Revenue Budget Executive Summaries as previously circulated to and discussed with Budget Review Groups
  - 2021/22 Local Government Finance Settlement (subject to confirmation by the Scottish Parliament)
  - Forecast non-recurring pressures in the 2021/22 Provisional Revenue Budget together with recommended funding solutions
  - Recommended level of Reserves
  - Assessment of risk in the 2021/22 Provisional Revenue Budget
- 3.20 The revised Revenue Budget timetable is summarised as follows and set out in more detail at Appendix 4:

Update for All Elected Members on the Local Government Finance Settlement (subject to publication of circular on 28 January)	1 February
Head of Finance Report to Council members on the 2021/22 Provisional Revenue Budget (Draft and subject to change / update as more information becomes available)	17 February
Presentation to All Elected Members on the 2021/22 Updated Provisional Revenue Budget and Economic Wellbeing Plan	22 February
Special Council Budget Meeting	3 March

- 3.21 The intention is to make the report available by 17 February to allow elected members (and Budget Review Groups) time to consider the recommendations in advance of Special Council on 3 March. It may prove necessary to update the report in light of subsequent change to the 2021/22 local government finance settlement approved by the Scottish Parliament
- 3.22 As members will recognise, the level of senior officer time available to support the development of alternative proposals in the period prior to Special Council on 3 March will require to be balanced against the ongoing requirements of the Council's response to Covid at that time.
- 3.23 There remains significant uncertainty around the 2021/22 Provisional Revenue Budget for all local authorities. The impact of COVID-19 upon the local economy and household incomes is anticipated to be lasting and this will, in turn, impact not only on demand for services but upon all of the Council's budgeted income streams. It is anticipated that in-year corrective action on the 2021/22 Revenue Budget may be required.
- 3.24 Following Special Council on 3 March 2020, early and regular engagement with elected members on the delivery of the 2021/22 Revenue Budget and the development of the future year Revenue Budgets is, therefore, an integral part of this approach with an initial report by early autumn 2021.
- 3.25 There is no statutory requirement for the Council to set a Capital Budget in March and in previous years, the Council has considered the Capital Budget in both March and June. The same constraints and uncertainties exist in the preparation of the Capital Budget and it is anticipated that approval of this and the interim Investment Blueprint is delayed until later in the year when the Council's financial position is clearer. Therefore, Council approval is sought to set the Interim Capital Blueprint and Capital Budget in September (at the earliest).
- 3.26 **ACTION:** The Council is asked to approve the setting of the Interim Capital Blueprint and Capital Budget in September (at the earliest).

### **Chief Executive's Group Updates for Leaders**

- 3.27 The Chief Executive's Group will provide regular virtual meetings with Leaders to provide updates on the Council's COVID-19 response and new legislation or guidance. This will be an information sharing forum rather than one for decisions or scrutiny. A note of the key areas discussed during the meeting will be circulated at the earliest opportunity after the meeting. The attendees will be the Leader and Depute Leader from each of the Administration and SNP Group as the largest opposition group, the Leader of the Liberal Democrats Group, and a representative from the Labour/Independent Group and one from Councillors Stewart and Purves.

### **Briefings**

- 3.28 Virtual briefing sessions for all elected members will be arranged as necessary.

## **Other**

- 3.29 It is proposed to suspend the normal process for agreeing Service Business Management and Improvement Plans, along with Annual Performance Reports. This allows Services to focus on the current emergency, while ensuring future development of these documents is based on the Council's strategic direction in relation to emerging priorities and the Perth and Kinross Offer, underpinned by the availability of budgets.

## **Elections**

- 3.30 It is proposed that Barbara Renton, Executive Director of Communities, who will be taking up the interim position of Chief Executive with effect from 1 February 2021 until a new Chief Executive is in post, shall be appointed as the Returning Officer in terms of Sections 25 and 41 of the Representation of the People Act 1983.
- 3.31 **ACTION:** the Council is asked to appoint Barbara Renton in her capacity as Interim Chief Executive as the Returning Officer for the Council in accordance with the Representation of the People Act 1983.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 The Council has in place robust monitoring arrangements for the impact of the COVID-19 pandemic on its financial affairs and regular reports will continue to be submitted to the appropriate meeting of the Council or relevant committee to ensure elected members are informed and are able to take strategic budgetary decisions. There remains huge uncertainty about financial outturn income and expenditure levels, any additional government funding for Covid, and indeed the local government financial settlement for 2021/21. The full impact may not be fully realised until well into the next financial year. In light of these unknowns, officers are recommending that the Council seeks to deliver a balanced budget based on the best (and already tested to a degree via the budget process last year) assumptions and that alternative political proposals be limited given the current level of risk and uncertainty. There is, however, a commitment to look to review and update the approved revenue budget at regular intervals over 2021/21 as more information becomes available.

## **5. CONCLUSION AND RECOMMENDATION**

- 5.1 This report outlines the proposed interim governance and communication arrangements as a response to the latest phase in the COVID-19 emergency.
- 5.2 It is recommended that Council:
- i) Notes that, for the time being, resources will be prioritised and directed towards supporting the response to the COVID-19 pandemic and to maintaining delivery of essential operational services;



- ii) Considers the options and agrees temporary changes to the Committee timetable in order to release officer capacity to focus on the Covid response and maintain elected member decision-making and oversight;
- iii) Authorises the Interim Chief Executive and Head of Legal & Governance Services to make any necessary changes to the Scheme of Administration, depending on which option is agreed;
- iv) Agrees that the current timetable of quasi-judicial committees is maintained, subject to review of business on a case by case basis;
- v) Agrees the arrangements for the business of Common Good Committees;
- vi) Notes the arrangements for ongoing engagement with the Trade Unions;
- vii) Agrees the arrangements for setting the Revenue budget;
- viii) Agrees the setting of the Interim Capital Blueprint and Capital Budget in September (at the earliest);
- ix) Notes the interim arrangements for leaders' updates and elected member briefings;
- x) Agrees to suspend the normal process for Business Management and Improvement Plans and Annual Performance reports; and
- xi) Appoints Barbara Renton in her capacity as Interim Chief Executive as the Returning Officer for the Council in accordance with the Representation of the People Act 1983.

#### Author

Name	Designation	Contact Details
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#### Approved

Name	Designation	Contact Details
Barbara Renton	Depute Chief Executive	22 January 2021

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>None</b>
Workforce	<b>Yes</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

- 1.1 An effective governance framework will support the Council to deliver all of the outcomes of the Local Outcome Improvement Plan and respond to the COVID-19 pandemic.

#### Corporate Plan

- 1.2 An effective governance framework will support the Council to deliver all of the outcomes of its Corporate Plan and respond to the COVID-19 pandemic.

### 2. Resource Implications

#### Financial

- 2.1 None.

#### Workforce

- 2.2 The proposals within the report are designed to release officer capacity in order to focus on the response to the COVID-19 pandemic and deliver essential operational services.

Asset Management (land, property, IT)

2.3 None.

**3. Assessments**

3.1 Equality Impact Assessment

(i) Assessed as **not relevant** for the purposes of EqIA

3.2 Strategic Environmental Assessment

(i) No action is required as the Act does not apply to the matters presented in this report

Legal and Governance

3.3 The Head of Legal & Governance Services and Head of Finance were consulted in the preparation of this report.

**4. Consultation**

Internal

4.1 Executive Officer Team have been consulted in the preparation of this report.

External

4.2 None.

**5. Communication**

5.1 Not applicable.

**2. BACKGROUND PAPERS**

None.

**3. APPENDICES**

**Appendix 1**

**Appendix 2**

Budget Principles Agreed by Council  
Proposed Budget Timetable – January 2021 to January 2022