

MINUTE
of
EAST RENFREWSHIRE COUNCIL

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 23 March 2020.

Present:

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| Provost Jim Fletcher | Councillor Colm Merrick |
| Councillor Paul Aitken | Councillor Stewart Miller |
| Councillor Tony Buchanan (Leader) | Councillor Paul O’Kane |
| Councillor Alan Lafferty | Councillor Jim Swift |
| Councillor David Macdonald | |

Provost Fletcher in the Chair

Attending:

Lorraine McMillan, Chief Executive; and Eamonn Daly, Democratic Services Manager.

Apologies:

Depute Provost Betty Cunningham and Councillors Caroline Bamforth, Angela Convery, Danny Devlin, Charlie Gilbert, Barbara Grant, Annette Ireland, Jim McLean, and Gordon Wallace.

DECLARATIONS OF INTEREST

1254. There were no declarations of Interest intimated.

PROPOSED EMERGENCY DECISION-MAKING ARRANGEMENTS

1255. The Council considered a report by the Chief Executive seeking agreement for proposed emergency decision making arrangements to reduce the need for face-to-face meetings during the ongoing COVID-19 outbreak.

The report referred to current and changing government guidance in relation to public gatherings and social distancing and the need in view this to reduce the need for committee and other meetings.

The report proposed a temporary suspension on the delegations to all committees and the extension of delegated powers for the Chief Executive, directors, heads of service and the Chief Officer – Legal and Procurement to enable them to take operational decisions in respect of matters within their service areas that would in normal circumstances required Council or committee approval.

The report did clarify that there would be a number of limited matters where Elected Members would still require to be involved in the decision-making process. Examples quoted were if a potential decision was contrary to existing Council policy, proposed a new or amended policy or was any other matter where a political decision was appropriate.

To facilitate this, the report proposed the establishment of an Emergencies Committee the membership of which would comprise the Leader and Depute Leader of the Administration and the Leader of the main Opposition Group. The terms of reference of the committee were set out in the report.

Commenting on the report, the Chief Executive commented on the background to its preparation and the importance of putting in place arrangements that would enable the Council to act quickly to protect the health of local residents.

Referring to civil contingencies legislation, she explained that the Council was a Category 1 responder, with particular responsibilities in an emergency situation. In this regard she referred to the plans already in place and staff training undertaken to deal with eventualities such as the one currently being faced. She commented on the extensive range of services provided by the Council, referring in particular to care at home, registration, cemeteries, refuse collection and homeless services amongst others, and the need for the Council to ensure that it could continue to provide these services in support of the NHS and other public sector bodies. She also referred to the range of grants and other financial measures in place that the Council needed to continue to deliver to support the most vulnerable, as well as continued opening of schools for the children of workers in priority groups.

She highlighted that the Council was being expected to deliver these services at a time when its workforce was also affected either directly or indirectly by the virus. These numbers were expected to increase further severely impacting many services, despite which staff had been working constantly to continue to deliver services, recognising the physical impact this was already having on staff. She clarified that those staff who were at home continued to work where possible and referred to the high numbers of staff who had already volunteered to help where possible and to take on different roles.

In light of the life changing circumstances of the previous few weeks and the challenges ahead, she explained that the support of Elected Members was sought to enable the Council's senior management team to make decisions quickly, which would ensure quick reactions to changing circumstances and the continued delivery of the most essential services.

The Chief Executive also emphasised the role residents had in recognising that normal delivery of services could not continue in the current environment and that certain services would need to take priority over other non-essential services. She welcomed the number of offers of help from local people and that it was hoped the Council could work in partnership with these people and other agencies in the challenging times ahead.

Thereafter Councillor Buchanan seconded by Councillor O'Kane moved the proposals as set out in the report.

Speaking in support of the proposals Councillor Buchanan emphasised the need for the Council to put in place arrangements to make sure it could respond to rapidly changing circumstances. It was essential that the Council could continue to provide key local services whilst supporting other agencies and both the UK and Scottish Governments. Like the Chief Executive he highlighted the potential for a reduction in the range and levels of service provided by the Council in the coming months. However he highlighted that such decisions were only being taken to ensure the Council could continue to support those in most need.

He referred to the closure of schools in accordance with national guidelines and urged parents and carers only to send children to school if places had been confirmed by the school's senior management and not to contact schools or the Council as this had the potential to delay the implementation of necessary alternative arrangements. The Council would contact parents and carers if required and more information was available on the Council's website and social media channels. He outlined the steps being taken to ensure the continued provision of free school meals thanking all education staff for their continued efforts.

Furthermore, he referred to the ongoing efforts of staff across the Council in recent weeks despite being faced with the same challenges and worries as the public. He thanked them for this. He also referred to the ongoing work to co-ordinate volunteering activity in the area. More information on this would be made available in the near future.

Councillor Buchanan also emphasised the importance of continuing good relationships amongst Elected Members and between Members and senior staff. These positive relationships would ensure the Council could focus on tackling the challenges ahead. In concluding he thanked staff for all their work to date and for their continuing efforts in moving forward.

Seconding the motion Councillor O'Kane echoed the comments made by Councillor Buchanan. He referred to the unprecedented and grave nature of the current situation and that political differences needed to be put aside to ensure people were kept alive. He referred to the collaborative working across political differences taking place nationally and that it was important this was reflected locally, with councillors trusting senior officers to make quick decisions to protect people and save lives.

He referred to the comments made by Nicola Sturgeon, First Minister, to the effect that normal business could not continue, Councillor O'Kane stating that the only issue to be considered at present was tackling the challenges presented by coronavirus, keeping people alive, and ensuring that adequate resources were available to achieve this, particularly in health and social care and in education.

He commented on the efforts of staff in continuing to deliver services and the proposals outlined in the report would enable staff to take quick decisions in rapidly changing circumstances, whilst at the same time ensuring that there would still be the capacity for political input into decision-making when required. On behalf of the Labour Group group he thanked staff for their continuing efforts.

Thereafter Councillor Macdonald seconded by Councillor Aitken moved as an amendment to the recommendations in the report that the temporary arrangements be reviewed at 30 day intervals; that the membership of the proposed Emergencies Committee be extended to 5 with membership comprising 3 Members from the Administration Group, 1 Member from the Conservative Group and 1 Member from the non-Administration Independent councillors.

Speaking in support of the amendment Councillor Aitken stated that whilst the country was facing challenging times this did not mean that the Council should just approve any proposals submitted and that careful consideration should be given before reaching a decision. He expressed concern that the suspension of delegation to committees and the extension of delegated powers to officers was not time limited and that the arrangements could continue indefinitely with officers taking decisions with no checks and balances and no democratic accountability, with any political involvement restricted to only 3 councillors for the foreseeable future.

Commenting on the proposals, Councillor Swift agreed that there needed to be provisions in place to ensure quick decisions could be taken in response to rapidly changing circumstances. He did however agree that a time limit was required. Whilst accepting the proposed establishment of the Emergencies Committee and its purpose, Councillor Swift stated that the report was silent on how Elected Members would be kept updated on the activities of the Council and any decisions taken and he would be keen to understand how this would occur. Finally he suggested that the Council needed to look closely at using the technological solutions available to enable wider political participation in decision-making in the longer term.

Councillor Lafferty was then heard in the course of which he highlighted that what was being proposed was not unique to the Council with similar arrangements being made in councils across the country. Notwithstanding the powers being vested in the Emergencies Committee, Councillor Lafferty emphasised the continuing role for local councillors in supporting their constituents.

Councillor Merrick was also heard in support of the proposals. He reflected that one of the main reasons people entered local politics was to improve the lives of local people but that decisions being made now were about saving lives. Advice being issued by both governments was constantly being updated and the proposed arrangements would ensure the Council was able to respond quickly to changing circumstances. He stated that in his view the proposed arrangements for reviewing the temporary arrangements were adequate.

Councillor Miller referred to comments made by other Members regarding a time limit on the temporary arrangements, suggesting that in view of the limitless nature of the challenge facing the country a time limit was possibly something that should be considered. He further suggested that in respect of the membership of the Emergencies Committee the ability to appoint substitutes should be considered. He noted that news suggested that the UK was behind other countries in terms of the impact of the virus, referring to the high number of cases in Italy the previous week. The purpose of the report was to allow decisions to be taken quickly and if even 1 life was saved as a consequence then the proposals were worthy of support.

The Chief Executive was then heard in response to some of the issues that had been raised by Elected Members. In respect of communication with Members she explained that in the event the Emergencies Committee was convened, copies of the papers for the meeting would be circulated to all Elected Members. She also acknowledged the Council's investment in technology and how the use of this would be further expanded in the coming months. Furthermore in respect of the general business of the Council, the Communications Manager would be emailing regular updates to all Elected Members. This update would highlight any of the major decisions taken by officers using the extended delegated powers. Commenting on time limiting the temporary arrangements, the Chief Executive explained that there was no intention for the arrangements to be in force any longer than absolutely necessary.

Councillor Buchanan was also heard in response to the comments that had been made, welcoming the support that had been given to the proposals, but also expressing disappointment that this support was not unanimous. He referred to the undertaking given by the Chief Executive to keep Elected Members apprised of developments, and that he was sure Group Leaders would continue to have regular discussions with their own groups. He again emphasised the need for the Council to respond quickly to a changing picture and the proposals would enable officers to do this. Part of this was that Elected Members needed to have trust in the Council's senior management to make these decisions, with officers confident that they had apolitical support. He confirmed that the arrangements would be kept under review and would only remain in place for as long as was necessary. Concluding, he

paid tribute to the work of officers to date in extreme circumstances and how the proposals would help officers protect East Renfrewshire residents.

Councillor Macdonald then commented on his amendment. He recognised the efforts everyone was making and acknowledged the seriousness of the situation. However whilst recognising the reasons why the proposals had been brought forward he had felt that there were technological alternatives that could have been considered that would have allowed the continuation of normal decision-making arrangements and the continued participation in these by Elected Members. He also commented further on the open-ended nature of the proposals and the implications for both the current and potentially future Council of this, again encouraging a review on a 30 day basis.

Thereafter, it having been confirmed that the proposal to permit substitutes on the Emergencies Committee had been accepted and incorporated into the motion, on a vote being taken 6 Members voted for the motion, 2 voted for the amendment with 1 abstention.

Accordingly the Council agreed:-

- (a) to suspend on a temporary basis all delegations to committees with the exception of the Emergencies Committee referred to in (d) below;
- (b) that delegated authority be granted to the Chief Executive all directors and heads of service, and the Chief Officer – Legal and Procurement to take operational decisions in respect of matters within their respective areas of operation that would normally require Council/committee approval;
- (c) that if the proposed decision would be contrary to existing Council policy, would be seeking an amendment to an existing policy, or for any other reason would require political approval, the matter be referred to the Emergencies Committee for a decision;
- (d) that an Emergencies Committee be established, the membership of which comprises the Leader and Depute Leader of the Administration and the Leader of the main Opposition Group or substitutes, with the terms of reference as set out in the report; and
- (e) that the temporary extension of the delegated authority be kept under review in order that it may be revoked at the appropriate time.

Concluding the meeting Provost Fletcher thanked everyone for their continuing efforts and wished everyone well for the future.

PROVOST

