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# NORTH AYRSHIRE COUNCIL

8 September 2020

## Cabinet

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**Title:** **Emergency Governance (COVID-19): Decisions Under  
Emergency Delegated Powers**

**Purpose:** To report to Cabinet on decisions taken by the Chief Executive in terms of the Emergency Governance (COVID-19) arrangements.

**Recommendation:** That the Cabinet agrees to note the information on Emergency Governance decisions, as set out in Appendix 1 to this report.

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### 1. Executive Summary

- 1.1 Decisions taken by the Chief Executive under emergency governance arrangements have been published on the Council's website on a fortnightly basis.
- 1.2 The emergency governance arrangements require the Chief Executive to report on the decisions taken to the first available meeting of the Cabinet. The last such report was submitted to Cabinet on 30 June 2020. Appendix 1 provides information on further Emergency Governance decisions taken.

### 2. Background

- 2.1 The Council's Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, subject to reporting back to the Cabinet for information at the first available opportunity. This power is exercised in consultation with the relevant Chief Officer and the relevant portfolio holder.
- 2.2 During the Covid-19 pandemic, there have been enhanced levels of consultation and publicity, above those set out in Standing Orders. In particular, the Chief Executive has been undertaking the following consultation prior to making a decision:
  - Matters which would normally go to Council – consultation with 3 Group Leaders and Councillor Murdoch (previously Cllr McNicol) representing the Independents;
  - Matters which would normally go to Cabinet, or a Committee- as per the current scheme of delegation consultation with the Leader (for Cabinet), Committee Chair (other committees) and Portfolio Holder if different
  - Controversial Council matters - consultation with all Members to get a feel for whether there is likely to be support. 'Controversial' is as defined in the Scheme of Delegation.

- 2.3 In addition, to enhance the transparency of such decisions, decision notices in

respect of matters determined under the emergency governance arrangements are also published on the Council's website on a fortnightly basis, together with the relevant officer report at

<https://north-ayrshire.cmis.uk.com/north-ayrshire/CommitteesMeetings/AgendasandMinutes.aspx>

- 2.4 An initial report on decisions taken was submitted to the Cabinet on 30 June 2020. A summary of further decisions is now attached at Appendix 1 to this report.

### **3. Proposals**

- 3.1 The Cabinet is invited to note the information on Emergency Governance decisions, as set out in Appendix 1 to this report; and

### **4. Implications/Socio-economic Duty.**

#### **Financial**

- 4.1 None arising from the recommendations in this report.

#### **Human Resources**

- 4.2 None arising from the recommendations in this report.

#### **Legal**

- 4.3 In terms of standing orders, decisions taken under the Chief Executive's delegated authority are capable of immediate implementation and have been implemented. As such, the decisions are being reported to Cabinet for noting. It is competent for Cabinet (or Audit and Scrutiny or Council on a call-in from Cabinet) to reconsider or change any decision taken under delegated powers, but as officer delegated decisions are within the definition of 'Decisions of the Council' in terms of standing order 31, a two thirds majority is required to do so for any decision taken within the previous 6 months.

#### **Equality/Socio-economic**

- 4.4 None arising from the recommendations in this report.

#### **Environmental and Sustainability**

- 4.5 None arising from the recommendations in this report.

#### **Key Priorities**

- 4.6 None arising from the recommendations in this report.

#### **Community Wealth Building**

- 4.7 None arising from the recommendation in this report.

### **5. Consultation**

- 5.1 Appendix 1 includes information on the consultation undertaken by the Chief Executive in reaching decisions.

5.2 No consultation was required in preparing this report.

Andrew Fraser  
Head of Democratic Services

For further information please contact **Melanie Anderson, Senior Manager (Committee and Member Services)**, on [melanieanderson@north-ayrshire.gov.uk](mailto:melanieanderson@north-ayrshire.gov.uk).

### **Background Papers**

Consultation responses

## CHIEF EXECUTIVE DELEGATED POWERS

Ref	Date of Request	Details of Request	Requested by	Report Provided	Decision	Publication Date Reference
15.	08/06/20	Outside Body Appointment: Scotland Excel Executive Sub-Committee	A Fraser	25/06/20	<p>Approved - in consultation with Joe Cullinane (Group Leader: Labour), Marie Burns (Group Leader: SNP), Tom Marshall (Group Leader: Conservative and Unionist) and Ian Murdoch (Nominated Independent Member representative), the Chief Executive agreed:</p> <p>(a) to appoint Councillor Cullinane as the Council's main representative of the Scotland Excel Executive Sub-Committee; and</p> <p>(b) to note an outstanding vacancy for a named substitute representative on this outside body.</p>	26/06/20
16.	16/06/20	Elected Member Non-Attendance	A Fraser	17/06/20	<p>Approved - in consultation with Joe Cullinane (Group Leader: Labour), Marie Burns (Group Leader: SNP), Tom Marshall (Group Leader: Conservative and Unionist) and Ian Murdoch (Nominated Independent Member representative), the Chief Executive agreed:</p> <p>(a) to note:</p> <p>(i) the exceptional circumstances of the current COVID-19 pandemic, which has led to the cancellation of meetings of the Council and its committees since March 2020;</p> <p>(ii) that a restricted number of committee meetings with appointed membership will be held between 22<sup>nd</sup> June and 30<sup>th</sup> June 2020 on a wholly remote basis;</p> <p>(iii) that the next full Council meeting is scheduled for September 2020;</p> <p>(iv) the possibility that some Members may not be in a position to attend the first available meeting of the Council (or a committee of which they are a member)</p>	26/06/20

					<p>within 6 months of the last meeting they attended; and</p> <p>(v) the terms of Section 35 of the Local Government (Scotland) Act 1973 and Standing Orders state that if a Councillor fails throughout a period of six consecutive months to attend any meeting of the authority, that member shall cease to be a member of the authority unless the failure to attend was due to a reason approved by the Council; and</p> <p>(b) agree that, in terms of Standing Orders and section 35 of the Local Government (Scotland) Act 1973, a Member's failure to attend in the particular circumstances of the COVID-19 pandemic is a reason approved by the Council for non-attendance during the period from 5 March 2020 to 30 September 2020, and that non-attendance during this period does not count in calculation of the 6 month period.</p>	
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