
Report To:	Policy & Resources Executive Sub-Committee	Date:	23 December 2021
Report By:	Interim Head of Legal & Democratic Services	Report No:	AS/LS/007/22
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Subject:	Committee/Board Meeting Delivery – Omicron Variant Impact		

1.0 PURPOSE

- 1.1 The purpose of this report is to provide an update and seek decisions on the delivery of Council/Committee meetings and Boards in the immediate term in light of the ongoing Covid-19 pandemic and new Omicron variant.

2.0 SUMMARY

- 2.1 A number of reports have been prepared and considered by Members regarding the delivery of Council/Committee and Quasi-Judicial Board meetings since the outbreak of the Coronavirus Pandemic and national lockdown in March 2020. Standing Orders and the Scheme of Administration was initially suspended by the Policy & Resources Committee at its meeting on 24 March 2020 in order that all functions delegated to Committees be remitted to the Policy and Resources Executive Sub-Committee for the duration of the pandemic. The Council at its meeting in June 2020 subsequently approved the Council's Remote Meeting Protocol which enabled the cycle of meetings to resume and to be held via Webex remote on line meetings.
- 2.2 A meeting of the Strategic Leaders' Forum (SLF) was held in August 2021, following the announcement of the Scottish Government that the law would no longer stipulate that social distancing measures would require to be in place with effect from 9 August 2021.
- 2.3 Most recently The Council at its meeting on 23 September 2021 approved the recommendation that all meetings of the Council, Committees, Sub- Committees and Boards would continue to be held except in limited circumstances. In addition Members approved the Revised Remote Meeting Protocol and the new Hybrid Meeting Protocol.
- 2.4 The above measures have supported the Council's cycle of Council and Committee meetings and have continued to date.
- 2.5 Given Covid infection rates are high and the expected exponential growth in infection rates there are increased anxieties around the new Omicron variant it is considered prudent that Members consider what arrangements are appropriate to ensure the continued safe delivery of the Council's Committees for Elected Members, public and Council employees.

3.0 RECOMMENDATION

- 3.1 It is recommended that after considering the latest Scottish Government guidance and the advice from the CMT the Sub-Committee considers which option set out in section 6.1 of this report is appropriate to support the continued delivery of the Council's cycle of Council/Committee meetings and Quasi-Judicial Boards

- 3.2 It is recommended that the Sub-Committee approves the approach to public attendance as set out in section 7.3 of the report.
- 3.3 It is recommended that the Sub-Committee notes that the Remote Meeting Protocol and the Hybrid Meetings Protocol will be amended in light of any changes ultimately agreed by Members.
- 3.4 It is recommended that the arrangements for the continued delivery of the Council's Committee and Council meetings and those of all Quasi-Judicial Boards will be considered by the Council at its meeting on 17 February 2022.

Anne Sinclair
Interim Head of Legal & Democratic Services

4.0 BACKGROUND

- 4.1 A number of reports have been submitted to Members since March 2020 regarding the delivery of Council Committees and Board meetings in light of the Coronavirus pandemic. The approach taken by the Council has been driven by both UK and Scottish Government regulations and guidance. The last report was submitted to the Council on 23 September 2021 when Members agreed that approval should be given to all meetings of the Council, Committees, Sub-Committee and Boards continuing to be held on a hybrid basis except in the following situations:
- (a) The Chair/Vice Chair or Convener/Vice-Convener is unable to attend the meeting in person; or
 - (b) Holding a hybrid meeting would be contrary to the legislation/regulations/guidance of the Scottish Government relating to the Covid-19 pandemic with regard to public health and the requirement for social distancing measures.
- 4.2 At its meeting on 23 September 2021 the Council agreed to approve the new Hybrid Meeting Protocol and the Revised Remote Meeting Protocols.
- 4.3 In the main the hybrid meetings have now operated successfully since August 2021 when first introduced.
- 4.4 At the time the Hybrid Meeting model was introduced the First Minister had announced on 3 August 2021 that infection rates were falling as were the number of people in hospital due to the virus. The law no longer stipulated that there should be physical distancing measures in place indoors although advice was still issued about the potential threat of the virus and mitigations which required to remain in place.
- 4.5 The report to the Council on 23 September 2021 recommended that given the high level of Covid cases in Inverclyde at that date and to allow for any situation when the Chair/Convener or Vice Chair/Convener could not attend meetings in person, it would be appropriate for the Council to retain fully remote meetings as an option and accordingly the Revised Remote Protocol was approved.
- 4.6 Since the Council meeting on 23 September 2021 most meetings of the Council/Committees and Boards have taken place using the Hybrid model. This approach has afforded Members the flexibility to attend meetings either in person or remotely.

5.0 CURRENT POSITION

- 5.1 The First Minister in her statement on 14 December 2021 advised that the Omicron variant was spreading very rapidly across Scotland and that this variant is spreading faster than any other before it. She also highlighted that this may well lead to increased hospitalisations. Accordingly the First Minister announced that additional protective measures would be put in place to mitigate the spread of the virus. The Scottish Government has published new regulations on 16 December in order to impose these additional restrictions which entail any person who is responsible for carrying on a business or providing a service to put in place additional measures to minimise the incidence and spread of the virus. In particular, the regulations increase the distance in businesses and work places within which people must wear face masks if seated from 1 to 2 metres. The Scottish Government has also advised employers that employees should be permitted to work from home where possible.
- 5.2 At present in terms of the Hybrid Meeting Protocol arrangements are in place to support hybrid meetings of Committees and Boards. Whilst most Officers attend remotely in order to ensure the expeditious progress of meetings two Committee Officers, the Legal Representative and the Chief Executive or relevant Director have been in attendance thus far. There is currently no restriction on the number of Members who may attend the Chambers although Members have been advised by Officers that they should consider very carefully whether they attend the Chambers for their own health. In terms of the current Protocol Members of the public are also free to attend the Chambers should they wish to do so subject to the guidance and regulations of the UK and Scottish Government.

- 5.3 Officers have conducted an up to date risk assessment in relation to physical attendance in the Chambers. The risk assessment highlights that key mitigations include:
- Use remote working tools to avoid in-person meetings;
 - Only absolutely necessary participants should attend in-person meetings;
 - 2m physical distancing reintroduced on a temporary basis;
 - If meetings have to take place in person it is recommended that staff and councillors carry out a lateral flow test before attendance at a meeting;
 - Promote and encourage vaccination uptake.

The latest guidance from the Scottish Government in relation to the expectation that the Omicron variant is expected to become the dominant variant is to conduct work and meetings remotely where possible.

- 5.4 As the council has the capability to conduct meetings remotely it is the recommendation of the Corporate Management Team that meetings should be conducted remotely.

6.0 PROPOSALS - OPTIONS

- 6.1 Members are asked to consider which option they consider appropriate in light of the current circumstances:

- (a) The status quo should remain whereby hybrid meetings shall continue unless the Convener/ Vice Convener or Chair/ Vice-Chair are unavailable in which case the meeting shall revert to a remote meeting and the Remote Meeting Protocol will apply.
- (b) Revert to Remote Meetings whilst the indoor seating 2m physical distancing guidance is in place in light of the new variant and fears expressed by the Scottish Government that the situation will worsen in January 2022. The Remote Meeting Protocol was retained by the Council, albeit in a revised form, to specifically cover the eventuality that given the high infection rates the Council may require to revert to remote meetings.

The difficulty in approach (a) is that there is potential for Officers of the Council and Members to be placed at an increased risk of catching the virus or being pinged as a close contact thus severely impacting business continuity for the Council.

- 6.2 If Option (a) is chosen, and to protect council employees, the CMT have agreed that whilst the latest guidance is in force that a maximum of 2 officers will attend each Committee/Board with all others attending remotely.

7.0 PUBLIC ATTENDANCE

- 7.1 In either scenario set out in (a) or (b) of paragraph 6.1 above it will be necessary for Members to consider the issue of public attendance at Council and Committee meetings. The approach adopted up until now has been that for hybrid non-quasi-judicial meetings the public can physically attend with any excess numbers being accommodated in the Grand Corridor (this has not been required so far). For hybrid Quasi-Judicial meetings where there is a legal entitlement for applicants or others to make representations, arrangements have been made for in person or online participation.
- 7.2 For fully remote meetings the situation is more complex. Prior to October 2021 provisions of the Coronavirus (Scotland) Act 2020 permitted the public to be excluded from non-quasi-judicial meetings, such as meetings of the Council or Committees. These provisions have now expired and it is considered appropriate that Members consider how best to facilitate access by the public to meetings.

- 7.3 There is a requirement for the Council to provide access to public meetings unless not required by law. The Council considered live streaming of hybrid meetings at the meeting in September and this was not supported on the grounds of cost and risk. Live streaming of fully remote meetings via You Tube is technically more straightforward and whilst the risks inherent in live streaming remain, the CMT recommend that this approach is adopted should fully remote meetings be agreed.
- 7.4 The only other realistic alternative is to allow members of the public the opportunity to request an online invitation albeit this carries risk and extra complexity and has resulted in isolated incidents in other Councils.
- 7.5 Whichever approach is adopted officers will amend the Hybrid and Online protocols to be considered by the Council on 17 February, 2022 to reflect the latest position.

8.0 IMPLICATIONS

Finance

- 8.1 There are no direct finance implications arising from this report.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (if Applicable)	Other Comments
N/A					

Legal

- 8.2 Please see the terms of this report regarding the proposed litigation.

Human Resources

- 8.3 None

Equalities

- 8.4 Equalities

- (a) Has an Equality Impact Assessment been carried out?

YES	
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

- (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

Repopulation

8.5 Not applicable.

9.0 CONSULTATIONS

9.1 The SLF considered the proposals in this report at a meeting on 17 December 2021.

10.0 LIST OF BACKGROUND PAPERS

10.1 Remote and Hybrid Meeting Protocols.