

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH
COUNCIL held via teleconference on
Thursday, 26 March, 2020 at 10.00 am

Present via Webex call:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, C. Cochrane, G. Edgar, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull and T. Weatherston

Apologies:- Councillors S. Marshall

Absent:- Councillors J. A. Fullarton, S. Scott and E. Small

In Attendance:- Chief Executive, Executive Director (Finance & Regulatory), Chief Legal Officer and Clerk to the Council

1. **CONVENER'S REMARKS**

As detailed on the agenda, the Convener confirmed that he had directed that the meeting of Scottish Borders Council was taking place in accordance with Section 43 of the Local Government in Scotland Act 2003, whereby all Members and those Officers in attendance were accessing the meeting remotely via telephone links.

2. **EMERGENCY DECISION MAKING PROCEDURE**

There had been circulated copies of a report by the Chief Executive on Emergency Decision Making Powers for Urgent Decisions. The report recognised the need for Scottish Borders Council to take steps to reduce risks for its Members, staff and citizens arising from Coronavirus (COVID-19). To mitigate those risks, all formal Council and Committee meetings had been cancelled, with any public consultation meetings also postponed. It was however vital to ensure that the Council was able to continue to exercise its essential functions. This meant that there needed to be a process whereby urgent decisions could be made during this extraordinary period. The report therefore proposed an interim decision making process and, to implement, that process, proposed some additions to Standing Orders. It was important that those urgent decisions were able to be made in the most efficient and effective way possible. This would enable the Council to be agile and responsive at this difficult time. It was proposed to delegate further decision making responsibility to the Chief Executive, in consultation with the Convener, the Leader, and the Leader of the Opposition, on a temporary basis, through a new Standing Order No. 49(a)(ii). There could however be situations where formal Council or Committee meetings did require to take place during this period. Where that was necessary, it was proposed that such meetings should minimise social contact and therefore Members should mostly attend those meetings remotely, through a new Standing Order No. 49(a)(iii). The Convener advised that an email had already been issued to all Members regarding those decisions which could not be delegated. He confirmed that a full record of all decisions made under the new procedure would be kept and published and Councillor Haslam, Councillor Bell and he would ensure that all Members were fully aware of the decision being taken. With reference to the revocation of the Standing Orders No. 49(a)(ii) and (iii) through Standing Order No. 49(a)(iv), the Convener advised that, in terms of a Motion signed by Members, the required signatures would be accepted by email. Although the powers could be kept in place until 30 September 2020, the Convener expressed the hope that these could be removed at a much earlier date. Councillor Haslam, seconded by Councillor Bell, moved approval of the recommendations in the report and spoke in support of this approval. Thanks were given to the Chief Executive, Directors and all Council staff for their work over the last few weeks and their continuing efforts as well as those of the Council's partners and

volunteers working across communities in the Borders. Councillor Aitchison asked that the Motion be taken by Roll Call and this was unanimously agreed.

Roll Call Vote

<i>For</i>	<i>Against</i>
<i>Councillor Aitchison</i>	
<i>Councillor A. Anderson</i>	
<i>Councillor H. Anderson</i>	
<i>Councillor Bell</i>	
<i>Councillor Brown</i>	
<i>Councillor Chapman</i>	
<i>Councillor Edgar</i>	
<i>Councillor Greenwell</i>	
<i>Councillor C. Hamilton</i>	
<i>Councillor S. Hamilton</i>	
<i>Councillor Haslam</i>	
<i>Councillor Jardine</i>	
<i>Councillor Laing</i>	
<i>Councillor McAteer</i>	
<i>Councillor Miers</i>	
<i>Councillor Moffat</i>	
<i>Councillor Mountford</i>	
<i>Councillor Parker</i>	
<i>Councillor Paterson</i>	
<i>Councillor Penman</i>	
<i>Councillor Ramage</i>	
<i>Councillor Richards</i>	
<i>Councillor Robson</i>	
<i>Councillor H. Scott</i>	
<i>Councillor Tatler</i>	
<i>Councillor Thornton-Nicol</i>	
<i>Councillor Turnbull</i>	
<i>Councillor Weatherston</i>	

There being no votes against, the Motion was unanimously approved.

DECISION

AGREED:

- (a) to hold Council and committee meetings only where absolutely necessary for statutory reasons, from now until 30 September 2020, to minimise social contact during the Coronavirus (Covid-19) outbreak;
- (b) to delegate to the Chief Executive in consultation with those Officers and Members identified in paragraph 4.2 of the report (through the addition of Standing Order No. 49(a)(ii)) those decision making functions of Council which could be legally delegated until 30 September 2020;
- (c) to add Standing Order No. 49(a)(iii), providing that the Convener of the Council and/or the Chair of its Committees (whom failing, the Vice-Convener or Vice-Chair) would direct that any meeting which must be held before 30 September would be held in accordance with Section 43 of the Local Government in Scotland Act 2003 and that other Elected Members who attend would attend such meetings using video or audio technology;

- (d) that the above decisions could be revoked without suspension of Standing Orders if, before 30 September 2020, the situation improved and the health risks had significantly reduced or, that the date could be extended if the outbreak continued to pose risk;**
- (e) to add Standing Order No. 49(a)(iv), which provided the procedure whereby Standing Order No. 49(a)(ii) and Standing Order No. 49(a)(iii) could be revoked; and**
- (f) to amend Standing Order No. 51(b) to provide that Standing Order No, 49(a)(iv), would not be capable of suspension.**

The meeting concluded at 10.20 am