

ANGUS COUNCIL

SPECIAL ARRANGEMENTS COMMITTEE – 23 JUNE 2020

ACTIONS TAKEN IN RESPONSE TO COVID-19 PANDEMIC

REPORT BY DIRECTOR OF INFRASTRUCTURE

ABSTRACT

This report seeks ratification of the actions taken by the Director of Infrastructure in response to the COVID-19 pandemic as reported to this Committee on 28 April and detailed in paragraph 3.1 hereto and seeks approval to extend some of these emergency delegated powers. It also advises the Committee on further action taken by the Chief Executive using emergency delegated powers.

1. RECOMMENDATION(S)

It is recommended that the Committee: -

- (i) notes and ratifies the actions detailed in paragraph 3.1 taken by the Director of Infrastructure as reported to this Committee on 28 April 2020;
- (ii) notes the further action taken by the Chief Executive in response to the COVID-19 pandemic using delegated powers detailed in Appendix 1;
- (iii) approves the extension to officer delegation for the Director of Infrastructure as detailed in paragraphs 3.2 until such time as the Council agrees otherwise; and
- (iv) notes that until such time as the Council agrees otherwise, the Scheme of Delegation to Officers will be amended to reflect any changes agreed in terms of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities

3. BACKGROUND

3.1 Special Council on 3 April 2020 approved recommendations to give additional delegated powers to the Chief Executive and Directors in light of the COVID-19 pandemic. Report No 132/20 to this Committee on 28 April 2020 provided details of actions approved by the Chief Executive and Directors using these emergency delegated powers. A number of actions undertaken by the Director of Infrastructure were reported detailing use of emergency powers that could only be exercised in the event of an emergency and where it was not possible for whatever reason to convene the relevant committee to make the decision. These decisions were in relation to: -

1. Arbroath Common Good Fund;
2. Montrose Common Good Fund;
3. Disposal of Property – No 1 (Exempt Appendix)
4. Disposal of Property – No 2 (Exempt Appendix)

Committee approval is therefore now sought to ratify these decisions.

3.2 It has become apparent that these emergency Delegated Powers are required by the Director of Infrastructure now and approval of this is sought, namely: -

- i. *To expend Common Good Funds as urgently required subject to agreement by the majority of all local ward members for the Common Good (without the requirements to report to Policy & Resources Committee);.*
- ii. *Where urgently required the authority to expend general fund budget to sustain current council contractors/suppliers/service provider property related services, after consultation with the Director of Finance; and*
- iii. *Or in his absence, the Service Leader Assets, where essential, the authority to sell or lease of property previously declared surplus up to a value of £250,000 following consultation with the Convener and Vice Convener of Communities and leader of the Non-Administration*

4. CURRENT POSITION

Since 28 April, the further action detailed in **Appendix 1** has been taken by the Chief Executive using emergency delegated powers and, as required, this is now reported to committee for noting.

5. PROPOSAL

It is proposed that Committee ratifies the actions taken by the Director of Infrastructure as previously reported to this Committee on 28 April 2020. Committee is also asked to approve the extension to officer delegation for the Director of Infrastructure as detailed in paragraph 3.2 of this Report until such time as the Council agrees otherwise.

6. FINANCIAL IMPLICATIONS

Financial implications of the actions that Committee is being asked to ratify were detailed, where applicable, in Report No on 28 April 2020. Financial implications of the new action being reported to Committee are detailed in Appendix 1.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No 122/20 - Actions Taken in Response to Covid-19 Pandemic

REPORT AUTHOR: Ian Cochrane, Director of Infrastructure

EMAIL DETAILS: Infrastructure@angus.gov.uk

List of Appendices:

Appendix 1 – Request for Exercise of Emergency Powers – Suspension of all PCN parking cases

**REQUEST FOR EXERCISE OF EMERGENCY POWERS
BY THE CHIEF EXECUTIVE/DIRECTORS**

Particularly during the Covid-19 pandemic, you may need to take action including spending money in ways you have not required to do before. It is very important that before you do this, you ensure that you have the requisite authority.

Initially you should check the Scheme of Delegation to Officers contained within [Standing Orders](#) and the [Financial Regulations](#) for authority. Failing which, the Chief Executive and the Directors have been granted additional powers to act in an emergency which may be used see [Interim Scheme of Delegation](#). If you need any assistance in determining which powers are relevant please contact Alison Watson, Service Leader - Legal (WatsonA1@angus.gov.uk).

If it proves necessary to use any of the emergency powers in the Interim Scheme of Delegation please complete the request form below and send it to the Chief Executive or the relevant Director. **Please note - the proposed action must not be taken until approval of the Chief Executive or the requisite Director is given.**

Penalty Charge Notices – Suspension of Progression of Payment Actions

| | | |
|-------------------|--|--|
| Background | Please provide background information explaining why the action is required and the emergency nature of the situation. | In line with SCOTS, CoSLA and SG endorsed guidance from BPA (link below), progression of all current Penalty Charge Notice (PCN) cases was suspended on 6 May 2020. https://www.britishparking.co.uk/COVID-19-Local-Authority-advice PCNs are at different stages in the process. However, they have all either been challenged or have reached the Notice To Owner (NTO) stage so the guidance regarding extending the timescale for pre-NTOs is not relevant for us. There are no pre-NTO cases now in the system. Due to the Covid-19 pandemic, the President of First-Tier Tribunal for Scotland (General Regulatory Chamber) has directed that all appeals with the Parking and Bus Lane Appeals (PBLA) which are awaiting evidence to be uploaded onto the case management system from Respondent Local Authorities are sisted (i.e. stayed). Recovery of debt has also been halted in line with guidance. We will notify those affected when we plan to recommence recovery. This may coincide with the return of enforcing |
|-------------------|--|--|

| | | |
|--------------------------------------|---|---|
| | | parking restrictions, which is one for our Recovery Planning. |
| <u>Proposal</u> | Please detail what action is required and how it is to be resourced (if any additional resource is required). | The progression of all current PCN cases and recovery of debt proceedings were suspended on 6 May 2020. Cases at PBLA were sisted on 2 April 2020. |
| <u>Statutory Procedure</u> | Provide details of the applicable statutory procedure related to a function of the Council (Please note Legal Services can assist with this.) | Statutory guidance on processing NTOs within 56 days has been relaxed in line with COVID-19 guidance. This is still within the ultimate time limit, in exceptional circumstances, which is six months from the "relevant date". |
| <u>Risks</u> | Please detail any areas of risk and any mitigation being put in place. | The decision has been made in line with the guidance to employ flexibility towards taking payments to recognise that many people may be struggling financially. It is anticipated that guidance will follow suggesting that we revert all cases at the Charge Certificate stage (pre-Sheriff Officers) to the reduced amount once progression of PCNs starts again. |
| <u>Financial Implications</u> | Please provide details of any financial implications or confirm if there are none. | There will be a delay in receipt of some income from Penalty Charge Notices, including recovery of debt. |
| <u>Consultation</u> | Please confirm what consultation has been undertaken and confirm the outcome of this. | Internal consultation within Roads & Transportation. Updates were provided in sit rep reports for Incident Management awareness. Communities Convener was kept informed of the decisions being made and supported them. |

It is proposed that the Chief Executive/Director agrees to the use of their emergency Delegated Power number (5) to initiate the action as detailed above.

Approved by the Chief Executive

Signed
Name



Margo Williamson

Date 16 June 2020

Submitted to Committee for Information

Date 23 June 2020