

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: PUBLIC INSPECTION OF DOCUMENTS – SUSPENSION OF DUTIES

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

To review and extend the temporary suspension of statutory duties to make documents open to the public for physical inspection and copying.

B. RECOMMENDATIONS

1. To note the powers given to the council to provide alternative means of access to documents instead of complying with statutory duties to allow physical access for inspection and copying
2. To note that the temporary suspension of these duties in relation to the documents listed in the appendix was last implemented through Council Executive on 6 October 2020, with an undertaking to review the position before 31 March 2021
3. To extend the suspension during any prolonged coronavirus emergency period until 30 September 2021 of the duties listed in the appendix, with full compliance resuming if and when the emergency period ends

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; making the best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Coronavirus (Scotland) Act 2020; legislation referred to in the appendix
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	None

VIII Other consultations

Corporate Management Team; Legal Services; Committee Services

D. TERMS OF REPORT

- 1 The council is subject to many and varied statutory duties to make documents available in its offices for physical inspection and copying by members of the public. In most cases members of the public exercise their corresponding rights by accessing documents online or by receipt of copies attached to emails. However, rights to come to council offices to have sight of hard copies and to make photocopies still exist.
- 2 The legislation passed by the Scottish Parliament to deal with the coronavirus emergency acknowledged that compliance with those duties during the emergency period might have implications for public health and for council resources. A power was made available to waive compliance in specified circumstances and subject to conditions, as follows:-
 - The duty must be in legislation in the control of the Scottish Parliament
 - The power can only be used during the existence of the COVID-19 emergency (initially until 30 September 2020, extended till 31 March 2021 and with the potential to be extended further to 30 September 2021)
 - It does not apply to the publication of annual and other reports concerning the exercise of council functions or services. Separate rules exist for those
 - Compliance must be considered to be likely to impede the council's ability to take effective action to tackle coronavirus, and/or may give rise to a significant risk of the transmission of coronavirus
 - The council must give public notice of its use of the new powers and of any alternative means by which the public can secure access without visiting council premises.
- 3 The appendix contains a list of the inspection duties where it is currently considered that the new powers apply and ought to be used. The basis is principally the risk of transmission of the coronavirus to and through members of the public and to council staff should the right of inspection be exercised during the emergency period. In all these cases documents can be made available by electronic means. That will be achieved though publication on the council's website or by sending documents or information by email. If required, photocopies can be sent by post. These arrangements have been in place since 11 May 2020 without posing any challenges or incurring complaint or adverse comment.
- 4 If the emergency period ends on or before 30 September 2021 then full compliance will be resumed. If the emergency period is extended beyond that date a report will be brought to committee to review the position and consider continuing the use of the powers.

E. CONCLUSION

- 1 Suspending duties to allow inspection and copying of documents at council premises will contribute in a small way to measures to tackle the coronavirus emergency. Rights to information will not be materially affected due to the use of electronic means of transmission.

F. BACKGROUND REFERENCES

- 1 Coronavirus (Scotland) Act 2020, section 7 and Schedule 3, paragraphs 10 and 11
- 2 Council Executive, 11 May 2020 (SO31), 26 May 2020 and 6 October 2020

Appendices/Attachments: 1. List of duties suspended

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Graham Hope, Chief Executive

Date of meeting: 23 February 2021

APPENDIX

DOCUMENTS FOR PUBLIC INSPECTION – WAIVER OF REQUIREMENTS

	FUNCTION	DOCUMENT	LEGISLATION	REQUIREMENTS
1	Committee Services	Agendas, reports, minutes, background references	Local Government (Sc) Act 1973, sections 50B to 50F	Hard copy for inspection in Civic Centre, hard copy to press on request, provide photocopy on request
2	Governance	Members' register	Ethical Standards etc., (Sc) Act 2000, section 7	Keep hard copy, make hard copy available for inspection in Civic Centre
3	Member Services	Register of names and addresses of all elected members and committee appointments	Local Government (Sc) Act 1973, section 50G	Hard copy for inspection in Civic Centre
4	Committee Services	Summary of rights of members of the public to attend meetings and access documents	Local Government (Sc) Act 1973, section 50G	Hard copy for inspection in Civic Centre
5	Governance	Scheme of Delegations to Officers enduring for longer than 6 months	Local Government (Sc) Act 1973, section 50G	Hard copy for inspection in Civic Centre
6	Committee Services	Local Review Body case papers	Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, regulation 11	Hard copy for inspection and making copies at Civic Centre
7	Finance	Unaudited accounts and financial statements	Local Government (Sc) Act 1973, section 101	Hard copies available for inspection and making copies at Civic Centre
8	Committee Services	Asset Transfer Review Body case papers	Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016, regulation 5	Hard copy for inspection and making copies at Civic Centre
9	Planning	Planning application files and lists of cases	Development Management (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013m regulation 22, and Town & Country Planning (Scotland) Act 1997,	Hard copies for inspection and copying at council office

	FUNCTION	DOCUMENT	LEGISLATION	REQUIREMENTS
			section 36A	
10	Planning	Planning enforcement files and register	Town and Country Planning (Enforcement of Control) (No.2) (Scotland) Regulations 1992, Part IV	Hard copies for inspection and copying at council office
11	Planning	Core Paths Plan and maps	Land Reform (Sc) Act 2003, section 18	Keep Core Paths Plan and maps available for inspection and for purchase of copies