

Annex D: Rule 9 Request to be provided to Chief Executives of COSLA Members

Annex D contains questions which the COSLA should provide to the Chief Executives of the Scottish councils within the COSLA's membership.

1. The purpose of these requests are to assist the Covid-19 Inquiry to gain an overarching understanding of the roles and responsibilities of Scottish councils as far as this is relevant to matters within the scope of Module 2 and 2A. The Provisional Outline of Scope for Module 2 can be found [here](#). The Provisional Outline of Scope for Module 2A can be found [here](#). The requests at this stage are not an exhaustive list of the areas the Inquiry is examining for the purposes of Module 2 and 2A and are intended to be high level. As such, the Inquiry may be in contact again with further requests for information and underlying documentary evidence in relation to Module 2 and 2A and/or other Modules.
2. For the purposes of this request the statement should focus upon the period of time between the following two dates ("the specified period"):
 - A. 21 January 2020, which is the date on which the WHO published its 'Novel Coronavirus (2019-nCoV) Situation Report - 1'.
 - B. 30 April 2022, which is the date when the remaining Covid-19 restrictions were lifted in Scotland.
3. If there are matters that you consider are relevant to the Provisional Outline of Scope for Module 2 and 2A, but fall outside of the proposed date frame, please identify those matters in your response.

Local Restrictions

4. Were any local restrictions, in addition to the national restrictions, imposed in your Council?

[The only local restrictions related to the Scottish Government's decision to apply these in terms of the tier system.](#)

If so, please:

a. Please provide a list, and the dates of, all local restrictions;

- Level 3 on 2 November 2020
- Level 4 on 20 November 2020
- Level 3 on 8 December 2020
- Level 2 on 17 May 2021

b. Please provide an outline of the framework regarding the decision-making for the imposition of local restrictions

Scottish Government determined the local level placing of North Lanarkshire Council and the Council was not involved in the decision making.

c. Please identify the input of representatives of your Council into the decisions of the Scottish Government to impose local restrictions

North Lanarkshire, and its representatives, formed part of the Lanarkshire Local Resilience Partnership (LLRP). Weekly meetings were held to analyse, act (proactively and reactively subject to stage and issue) and feedback, as appropriate, actions across partners to mitigate the impact of Covid-19. This included representation at various stages around the imposition of local restrictions e.g. a joint letter from North and South Lanarkshire Councils, NHS and Police Scotland dated 27 October 2020 around restriction proposals and actual latest local intelligence and information, derived from within, around effectiveness.

Scottish Government determined the local level placing of North Lanarkshire Council and the Council was not involved in the decision making.

d. Please identify whether, and if so which, representatives of your Council attended meetings with the Scottish Government to discuss the imposition of local restrictions.

Scottish Government convened ministerial meetings at times to discuss restrictions, either already agreed or planned/considered. The Council's Chief Executive was invited to these ministerial and senior civil servant briefings to

be advised of proposals and to comment. They did not happen in every instance of restrictions being changed, probably due to the variable scale and frequency of certain peaks and range of concurrent issues at times.

- e. Please identify whether representatives from your Council provided any information or evidence to the Scottish Government in respect of the decisions that were taken regarding the imposition of local restrictions.

Please note the previous reference to the LLRP and the work undertaken by it, together with the joint pan-Lanarkshire response letter sent to Scottish Government on 27 October 2020 at one key period. Copies of minutes of meetings, and associated documentation, can be provided to the Inquiry, if required.

- f. Explain whether representatives of your Council agreed with the decisions and/or reasoning of the Scottish Government's decision to impose or extend local restrictions.

Please note the previous reference to the LLRP and the work undertaken by it, together with the joint pan-Lanarkshire response letter sent to Scottish Government on 27 October 2020 at one key period. Copies of minutes of meetings, and associated documentation, can be provided to the Inquiry, if required.

- 5. Please outline any instances, if applicable, where funding implications impacted upon the decisions to impose or extend local restrictions.

There are no specific instances of restrictions being impacted by funding issues, however we did make representations to Scottish Government on the impact of localised restrictions on the local economy, local residents etc in the hope that Scottish government would provide additional funding. However, we can't say for certain how, or if, that factored into Scottish Government's decision to impose local restrictions.

- 6. Please explain whether representatives from your Council, or the Scottish Government of its own volition, considered the impact that local restrictions would have on 'different groups of people.' By this, the Inquiry means at risk and vulnerable people and those

with protected characteristics under the Equality Act 2010. Please provide a high level overview of:

- a. how such categories of people, if any, were identified;
- b. any key communications or meetings between your Council and Scottish Government relating to discussions on (i) different groups of people; and (ii) the potential impact of NPIs on such groups;
- c. Any documents or submissions produced by your Council for the Scottish Government relating to discussions on (i) different groups of people; and (ii) the potential impact of NPIs on such groups;
- d. Any methods by which your Council monitored the effect of the pandemic or the response to the pandemic on the different categories of people identified.
- e. Please outline the process by which your Council canvassed the views or response of the public to NPIs and whether, and if so how, this was communicated to the Scottish Government.
- f. Please explain the role played, if any, by representatives of your Council in discussions with the Scottish Government on the impact of the border with England in the imposition of local restrictions. Please provide an outline of any specific occasions that the border with England caused difficulties surrounding the operation of local restrictions

Restrictions and related frameworks were agreed and implemented at a national level and cascaded thereafter. Throughout the pandemic, specific arrangements such as shielding were triggered nationally and supported locally to protect identified at risk groups.

Enforcement

7. Please provide a list of all non-pharmaceutical interventions (“NPIs”) which your Council had responsibility to enforce. NPIs include:

- a. The lockdowns in Scotland
- b. Local restrictions
- c. ~~Working from home~~
- d. Reduction of person to person contact
- e. Social distancing
- f. ~~The use of face coverings~~
- g. ~~Travel in and out of Scotland (including any consideration of the border with England)~~

~~h. The initial development of Test and Protect~~

i. The certification and app systems rolled out by the Scottish Government

~~j. Repatriation~~

Only the NPIs highlighted in yellow above were the responsibility of the Council in terms of enforcement. North Lanarkshire Council Protective Services (Environmental Health and Trading Standards) had the enforcement responsibility for these highlighted NPIs, within business premises, as per the relevant Covid-19 Regulations.

8. Do you feel you had:

a. Sufficient guidance from the Scottish Government to explain your role in the enforcement of NPIs;

The Scottish Government did not produce guidance to define the role of councils in the enforcement of NPIs. This created a challenge for councils particularly at times of conflict between the legislation and guidance.

Councils relied heavily on the Environmental Health and Trading Standards Covid-19 (ETC) Expert Officer group for information and guidance to promote a consistent approach across all councils.

b. Sufficient funding to fulfil your role in respect of enforcement of NPIs.

There was sufficient funding provided, however, it is probably worth noting that in the early absence of confirmed UK government and Scottish government funding to support Covid impacts, the Council made an early decision to curtail non-essential expenditure, conducted a review of the capital programme etc to ensure the Council's financial sustainability was protected. This meant that we stopped providing some services and other services to the same level – partly because of staff redeployment, partly because of shielding etc. A decision was also taken to utilise reserves to support a Covid recovery budget, but this wasn't specific to NPIs and wasn't required in its entirety.

It was recognised by the Scottish Government that Environmental Health and Trading Standards were a critical component of the response to the Covid-19 outbreak. Additional funding to support local authority Environmental Health and Trading Standards was agreed for 2020/21 and 2021/22 in October 2020, although the funds were not made available for 2020/21 until March 2021.

A resilience infrastructure is required in advance of a pandemic due to the time it takes to adequately train enforcement staff. Environmental Health and Trading Standards were not sufficiently resourced in advance of the outbreak to support the response required.

9. Please provide a high-level overview of your Council's interaction with the NPCC or local police force in respect of enforcement of the Coronavirus legislation and regulations.

Meetings were held at the early stages of the pandemic with Police Scotland and the Council to clarify the enforcement roles, agree routes of communication, the sharing of information and transfer of cases. Ongoing communication occurred as necessary to discuss the impact and implementation of the changes in health protection legislation.

Working arrangements with Police Scotland included:

- Contact provided to Q Division Police Scotland for urgent responses required between 1700hrs and 2200hrs or at weekend between 1100hrs and 2200hrs, in addition to normal working hours contact details.
- Agreement with Q Division of Police Scotland on what the Council would lead on.
- Working arrangements for complaints in respect of face coverings
- Working arrangements for hospitality complaints, following the hospitality guidance becoming statutory guidance,
- Sharing of information relating to relevant premises, in response to complaints/visits
- Sharing of information in respect of Enforcement Notices served by the Council in daily reports exchanged for any potential follow up deemed necessary using fixed penalty notices. Daily reports stopped the week commencing 18 May 2020. Thereafter reports of complaints received by the Council were notified where repeated interventions were required
- In respect of businesses which were not caught under the ambit of the Regulations, e.g. construction sites, factories, distribution warehouses etc. we took the lead on speaking with businesses on a basis of Engage, Explain,

Encourage, to remind them of the need for social distancing arrangements to be in place to protect the NHS and save lives.

Public Health Communications

10. Please outline the role your Council played in public health messaging. Please outline:

- a. Whether your Council issued public health messages over the course of the Pandemic;

The Council issued extensive public health messaging throughout the course of the pandemic. Most often these were on social and digital media, and most often signposted people to information from NHS Lanarkshire, NHS Scotland and the Scottish Government/Public Health Scotland.

- b. Whether the Scottish Government, or Public Health Scotland, provided guidance to assist with public health messaging at a local level;

Yes. Both provided stakeholder toolkits and other material at various points throughout the pandemic response period. Scottish Government communications also held some online sessions for communications practitioners which were useful to share information.

- c. Whether you monitored understanding of local public health messages, and whether there were any instances of confusion in respect of what regulations or guidance applied to your particular Council;

Environmental Services did not specifically monitor this aspect, however, typically an increase in the number of enquiries was noted at the time of a change in legislation or guidance.

The Council routinely monitors sentiment on social media. While there was some evidence of limited confusion around the introduction of variable restriction levels – particularly in the early stages of this approach - this did not appear to be widespread. There were examples of people questioning the validity of the approach.

- d. Whether messaging of the Scottish Government, Public Health Scotland, or the UK Government, caused confusion to members of the public living in your Council;

Enquiries received by Environmental Services suggest people sought clarification on what provisions and guidance applied in the local area.

As in (c) above, there were some examples of limited confusion. The variable approach of UK and Scottish Governments did present challenges to communications professionals in ensuring that guidance reproduced or shared was clear and much focus was put on ensuring clarity of messaging to minimise confusion at a local level.

- e. Whether and how members of the public in your Council could seek assurance as to what measures specifically applied to them;

Environmental Services responded to enquiries from businesses and the public in relation to the measures which were in place and how they could be applied.

The primary source of assurance for members of the public was the Council's website and that of NHS Lanarkshire. The Heads of Communication for the Council, NHS Lanarkshire and South Lanarkshire Council met regularly to discuss messaging and shared assets to bring consistency to the external communications effort. The Covid-19 pages on the council's website accounted for a large percentage of website traffic throughout 2020 and 2021 in particular.

- f. What steps were taken to ensure that different religious or faith groups, or those that speak a language other than English or Scottish, were catered for in the use of public health messaging undertaken by your Council.

The Council has a standard approach to making available all communications material on request in alternative formats and languages. Residents could request this through email in the early stages of the pandemic when the council's contact centre was closed and by telephone thereafter. No steps were taken in respect of different religious or faith groups beyond sharing content produced by Scottish Government around Ramadan.

Lessons learned

11. In respect of any of the above questions, please explain any 'lessons learned' and whether this changed the actions of your Council over the course of the pandemic.

Throughout the course of the pandemic, in terms of both the Council's response to, and recovery from, the impacts of Covid-19, and in its aftermath, a considerable number of reports were submitted by officers to the relevant governance forums of the Council which set out lessons learned in a number of areas, including resilience planning and business continuity, new ways of delivering services, and a significant shift to hybrid/flexible working arrangements. From the early stages of the pandemic it was clear that there would never be a return to the same way of operating and that, across the Council it was essential for employees and elected members to adapt to different ways of working and delivering services to the public. A number of the reports referred to above are incorporated via the following links:-

Resilience Planning & Business Continuity Update: 10 November 2021
[att97157.pdf \(northlanarkshire.gov.uk\)](#)

P081: Leadership/Operating Model – Phase 1 Future Workplace Model: 2 December 2021
[Microsoft Word - PSCommitteeFutureWorkplaceFinal.docx \(northlanarkshire.gov.uk\)](#)

COVID-19 Operating Model: 31 March 2022
[att98054.pdf \(northlanarkshire.gov.uk\)](#)

Resilience Planning & Business Continuity Update: 9 November 2022
[att99191.pdf \(northlanarkshire.gov.uk\)](#)