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SOUTH PETHERTON PARISH COUNCIL BUSINESS CONTINUITY POLICY IN RESPONSE
TO COVID19 (VERSION DATED 17TH MARCH 2020)

INTRODUCTION

As there is no immunity to this novel virus, it is estimated that up to 80% of the UK population will become infected at some point during the course of the outbreak, which is expected to last at least 4 months in the UK. According to the Governments action plan, up to 20% of the Council's staff/Councillors may be infected during the peak of the infection.

All people with symptoms are now being requested to self-isolate for 7 days, with their families being requested to self-isolate for 14 days.

The Government issued new, more stringent isolation guidance on Monday 16th March 2020.

<http://www.gov.uk/government/publications/covid-19-guidance-on-social-distancing-and-for-vulnerable-people/guidance-on-social-distancing-for-everyone-in-the-uk-and-protecting-older-people-and-vulnerable-adults>

1. *Avoid contact with someone who is displaying symptoms of coronavirus (COVID-19). These symptoms include high temperature and /or new and continuous cough.*
2. *Avoid non-essential use of public transport, varying your travel times to avoid rush hours when possible.*
3. *Work from home, where possible. Your employer should support you to do this.*
4. *Avoid large gatherings, and gatherings in smaller public spaces such as pubs, cinemas, restaurants, theatres, bars and clubs.*
5. *Avoid non-essential gatherings with friends and family. Keep in touch using remote technology such as phone, internet and social media.*
6. *Use telephone or online services to contact your GP or other essential services.*

Everyone should be trying to follow these measures as much as is practical.

For those who are over 70, have an underlying health condition or who are pregnant, we strongly advise you to follow the above measures as much as you can, and to significantly limit your face-to-face interaction with friends and family if possible.

Local Government Secretary Rt Hon Robert Jenrick MP also announced support for local councils including the following:

- *Councils will be able to use their discretion on deadlines for Freedom of Information requests*
- *The deadline for local government financial audits will be extended to 30th September 2020*
- *It will consider bringing forward legislation to remove the requirement for annual council meetings to take place in person.*

- *It will consider bringing forward legislation to allow council committee meetings to be held virtually for a temporary period.*

The virus is now spreading quickly in the community and the Government will be making self-isolation measures mandatory to shield the over 70's and other At Risk groups from becoming infected, whilst controlling the rate of infection in low risk groups who will have mild symptoms but on recovery be able for work and have no further danger of infecting the At Risks groups (developing herd immunity).

The Council's measures should therefore reflect the Government strategy and prioritise the shielding of all At Risk groups.

With the potential impact on Council staff, members, contractors and suppliers, effective Business Continuity planning will be key to maintaining Council services and corporate decision-making capabilities in order for the Council to assist the community as part of any resilience response.

BUSINESS CONTINUITY PLAN

The three main priorities for the Council are:

1. *Ensuring the Health & Safety of staff, Councillors, volunteers, contractors and members of the public participating in Council activities.*
2. *Maintaining effective and lawful decision-making processes*
3. *The continuing operation of essential services and contractual obligations*

1.0 HEALTH & SAFETY

Much of this has been covered in respect of the measure the council has already taken during the containment phase. Decisions now need to be made as the country enters the delay phase with specific focus on isolation and shielding the At Risk Groups from becoming infected as per the Government strategy.

1.1 STAFF

The Parish Offices at Frogmary Green Farm represent a HIGH risk, and one member of staff was sent into self-isolation on 17th March due to exposure from a symptomatic family member.

Working from home should therefore be brought into force on Wednesday 18th March.

1.2 COUNCILLORS

Councillors may need to enter quarantine at the weekend so will be unavailable to attend meetings, with the associated risk of inaccuracy. Any councillor with an At Risk status is to be discouraged from attending any further meetings and does so at their own risk.

This will not be relevant if the Government introduces legislation to allow video-conferencing, however councillors may be ill or unable to dial in at the appropriate time.

1.3 PUBLIC EVENTS

As the Government are discouraging social gatherings including pubs/clubs etc, the Parish Council's planned events have been assessed as follows:

EVENT	DATE	NOTES	RECOMMENDATIONS
Planning/Open Spaces Committee meetings	6/4/2020	Subject to staff and Councillor availability, along with Government legislation	POSTPONE
Annual Parish Meeting (with presentation of Chairman's Awards)	6/4/2020	Statutory requirement to hold between 1 st March & 1 st June. Requires minimum 7 days notice. May be prohibited by Government legislation.	POSTPONE
Annual Meeting of the Parish Council	4/5/2020	Statutory requirement to hold in May.	TO PROCEED ON AGREED DATE SUBJECT TO CHANGE IN GOVT LEGISLATION AND VIDEOCONFERENCING.

1.4 COUNCIL/COMMITTEE MEETINGS

All meetings shall be open to the public and the press unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons (Public Bodies Admissions to Meetings Act 1960)

Even if video conferencing is permitted, it is proposed that some meetings are postponed until the autumn. There is plenty of administrative and report work already required to support the Council's previous decisions which the Clerk and the Assistant Clerk can undertake from home.

1.5 STATUTORY DEADLINES/REQUIREMENTS

In addition to the Annual Parish Meeting for residents, there are a number of statutory meetings, requirements and deadlines that apply to local councils. There has been no change so far to legislation or government guidance to amend or temporarily suspend these statutory duties, so despite the logistical and practical issues imposed by Coronavirus, the council is still obliged to comply with the law.

(a) Annual Meeting of the Parish Council – Monday 4th May 2020

The council must hold an Annual Meeting every year which, because this is not an election year, must be held in May (LGA (1972) Schedule 12 para7(1)(2)).

There is only one statutory item of business and this is the election of the Chairman. However, normally the Annual meeting also elects Committees etc. Standing Orders state that the Chairman, Vice Chairman and those of Committees hold office 'until the next Annual Meeting' so until the Annual Meeting occurs (which it must in May) then the current position remains.

(b) Approval of the Annual Accounts/Annual Return – June 2020

All local councils are required under s1638 of the LGA (1972) to submit an annual financial return to the Secretary of State showing income and expenditure.

The Local Audit and Accountability Act (2014), Local Audit (Smaller Authorities) Regulations and the Accounts and Audit Regulations (2015) detail the procedure required. As a Category 2 authority, with expenditure over £25k, but below £6.5m, South Petherton parish Council is obliged to complete an Annual Governance and Accountability Return (AGAR) and submit this to the External Auditor by their deadline of 1st July. The law also requires there to be a 30 day public rights inspection period of the accounts to include the first 10 days in July. Given the Government's most recent announcement, it may be that the Internal Auditor may postpone their visit. In addition it is likely that pending emergency legislation will delay the date for submission to 30th September.

(c) Play Areas / Litter Bins / Footpaths / Recreation Ground (Gate)

There is low risk to staff/contractors from these activities providing that precautions are taken when touching the play equipment/bins and they do not engage with the general public for more than 15m at 2m distance. In the event that play areas cannot be inspected weekly, they will be closed until inspections can resume. General upkeep during the summer months will be affected as staff are available.

(d) Cemetery

This is a sensitive matter, and, as per point (c), whilst there are low risks to staff/contractors providing that precautions are taken when touching bins & items in the cemetery, we must wait for further Government advice for how to proceed with funerals/burials etc.

2.0 COMMUNICATON

Now that SPPC is advised, it is vitally important that effective lines of communication are open between staff, councillors and members of the public.

This will be particularly important in ensuring delegated authority in consultation with specific councillors can proceed.

- *All staff will work from home via a secure VPN server with a council laptop*
- *Staff will utilise the parish mobile to communicate*
- *The Clerk will investigate Zoom video conferencing software which is FOC for one host (Clerk) and up to 100 participants (which therefore would be suitable for Council and Committee meetings).*

3.0 MAINTAINING LAWFUL DECISION MAKING PROCESSES

3.1 THE DELEGATION OF POWER

The law permits a Council to delegate decision-making and discharge of statutory powers/functions (including 'power to spend') in order to perform these functions on the Council to the following:

- i. A Committee (who may delegate further to a sub-committee, but not a Working Party)*
- ii. A Council Officer (Clerk, RFO.....who may delegate to another officer)*
- iii. Another Local Authority*

This doesn't prevent the Council from performing the responsibilities/decision-making itself and legal responsibility always remains with the council. Although

there are certain matters that the law states cannot be delegated and must be discharged by a meeting of the Full Council, delegation can remove the requirement to convene a Full Council or Committee meeting whilst still enabling functions to be undertaken lawfully.

N.B Authority to make decisions cannot be delegated to an individual Councillor or Councillors. However, they may be consulted by the Clerk before a decision is made/actions are taken by the Clerk.

The Clerk as Proper Officer/RFO is therefore the only individual in law who can act on behalf of the Council (although the Clerk can delegate power to other staff) and lead the administration of all the Council's activities.

Some obligations are statutory whilst others are determined by the Council as part of the Clerk's job description. These delegate powers therefore arose as the everyday duties of the Proper Officer and RFO, including management of all staff, services and finance.

At all times, the Clerk has to comply with Standing Orders and Financial Regulations. These can only be amended by a decision of Full Council. The Orders/Regulations therefore address specific principles (including those laid down in statute) for governance (lawful/legal management and control by the organisation as a corporate body) of all financial operations, decision making and conduct of the Council.

3.2 EMERGENCY POWERS

Standing orders permit the Clerk to take decisions on urgent matters where no meeting is scheduled within the necessary timescale. The decision can only be taken in consultation with the Chairman and Vice Chairman of the Council. All decisions taken under this Standing Order are reported to the next Parish Council meeting for ratification.

Technically in this unprecedented situation, the Council and the Clerk could just rely on this Standing Order to 'see them through' the next few months, however when the decision involves expenditure, this has to be balanced against specific requirements in the Financial regulations and therefore a more detailed delegation of power is proposed to include as much scrutiny of the actions of the Clerk by the Council within the confines of the Financial regulations and self-isolations.

3.3 SUSPENSION OF STANDIGN ORDERS / FINANCIAL REGULATIONS

In the absence of Council or Committee meetings, certain items of business cannot be transacted unless the Council decides to suspend the particular rule that requires something to have Council approval before it is expedited. This includes, for example, making payments to the Council's suppliers.

It is proposed that a new delegation of authority policy is introduced, which will serve to temporarily suspend the specific Financial Regulations.

SOUTH PETHERTON PARISH COUNCIL DELEGATION OF AUTHORITY POLICY DURING COVID-19 OUTBREAK

1. BACKGROUND

- 1.1 The Parish Council has been monitoring Government advice as the COVID-19 pandemic escalates in the UK. This policy has been developed in response to that advice which, as of the 17th march 2020 has introduced social isolation measures to such an extent that the Parish Council is no longer able to meet according to the requirements of the LGA (1972) to conduct its business, and all Council staff are required to work from home.

- 1.2 The Parish Council will approve a Business Continuity Plan which is now also dependent upon the further delegation of authority to the Parish Clerk/RFO in order to ensure that the Council will be able to operate its business to the best of its abilities during the pandemic, while protecting, as far as it is reasonably possible, its employees, members, volunteers, contractors and members of the public.

2. OPERATIONAL PERIOD

- 2.1 This policy will come into effect immediately the Chairman closes the meeting of the Parish Council at which this policy is approved on Monday 23rd March 2020.
- 2.2 This policy will be rescinded by a subsequent Parish Council meeting when all Councillors and members of the public are next able to meet in person in accordance with Government advice in respect of the COVID-19 outbreak and the requirements of the LGA (1972).

3. ROLE OF THE CLERK

- 3.1 The Clerk as Proper Officer/RFO is the only individual in law who can act on behalf of the Council and lead the administration of all the Council's activities. Some obligations are statutory, whilst others are determined by the Council as part of the Clerk's job description. These delegated powers therefore arise as the everyday duties of the Proper Officer/RFO including management of all staff, services and finances.
- 3.2 The purpose of this policy is to further delegate authority to the Clerk/RFO in order to ensure the Council can continue to operate its business to the best of its abilities for the benefit of the South Petherton Parish.
- 3.3 The Clerk can delegate authority to other staff. In the event that the Clerk is temporarily incapacitated and unable to carry out their duties during the operational period, all delegated authority will pass to the Assistant Parish Clerk for the period that the Clerk is incapacitated.

4.0 DELEGATION OF AUTHORITY

- 4.1 With the exception of:
 - a) *matters which the law states cannot be delegated and are reserved for Full Council*
 - b) *employment appeals procedures requiring the involvement of Finance & General Purpose Committee*

any decision requiring Committee of Full Council approval where it is not possible to convene a lawful meeting is hereby delegated to the Parish Clerk in consultation with 4 Councillors for the operational period.

- 4.2 Where possible, the 4 Councillors should consist of the Chairman and the Vice Chairman of the Council, together with the Chairman and Vice Chairman of the relevant Committee.
- 4.3 In the event that a councillor in 4.2 is incapacitate during the operational period, then they should nominate a substitute for the period they are incapacitated and notify the Parish Clerk accordingly.

5.0 TEMPORARY ALTERATIONS TO FINANCIAL REGULATIONS

- 5.1 The Clerk is authorised to make expenditure on revenue items up to the amounts included for that class of expenditure in the approved budget. The relevant Financial Regulation is suspended during the operational period in favour of authorisation as follows:
 - i. *4 Councillors as described in 4.2 of this Policy for all items over £5,000*

- ii. *Chairman and Vice Chairman of a duly delegated Committee of the Council for items over £1,000; or*
 - iii. *The Clerk in conjunction with the Chairman of the council or Chairman of the appropriate Committee for any items below £1,000.*
- 5.2 In cases of extreme risk to the delivery of Council services, Financial Regulations permit the Clerk to authorise revenue expenditure on behalf of the Council which in the Clerk's judgement is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure. During the operation period, this should be subject to an increased limit of £15,000 for a single transaction. The Clerk shall report such action to the Chairman and Vice Chairman of the Council and Chairman and Vice Chairman of the Finance & General Purpose Committee as soon as possible thereafter.
- 5.3 The Clerk/RFO shall prepare the monthly schedule of invoices for payment which shall be circulated electronically to all Councillors for inspection and questions. After 3 working days, the schedule shall be approved for payment as per clause 4.2 and electronically signed by the Chairman.
- 5.4 In respect of Financial Regulations, access to internet banking accounts will be permitted from home addresses but will still be via Council computers or tablets using the prescribed methods in the Regulations.
- 5.5 In respect of Financial regulations, it is accepted that in these unprecedented circumstances, there may be insufficient suppliers able to obtain 3 or more quotations for a single transaction. Therefore, provided that at least 3 suppliers have been approached to quote, an order may be placed on best value terms available at the time, without the requirement for 3 or more responses.

***Resolved by South Petherton Parish Council on
23rd March 2020
Agenda item PC3.4***