

**BUSINESS CONTINUITY PLAN**  
**IN RESPONSE TO COVID19 PANDEMIC**

This document has prepared in association with the Parish Council's Risk Assessment for COVID19. (version1 dated 20th 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 outbreak.

All people with symptoms are now being requested to self-isolate for a period of 14 days.

The Government issued new more stringent isolation guidance on Monday 16<sup>th</sup> March <https://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 hour, when possible;*
3. *Work from home, where possible. Your employer should support you to do this. Please refer to [employer guidance](#) for more information;*
4. *Avoid large gatherings, and gatherings in smaller public spaces such as pubs, cinemas, restaurants, theatres, bars, clubs*
5. *Avoid 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 pragmatic.*

*For those who are over 70, have an underlying health condition or 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.*

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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 30 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 protect (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 available for work and no further danger to infecting the At Risk groups . (developing herd immunity).

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

Obviously the whole of East Sutton will be impacted by this pandemic. Community resilience and cohesion, including looking after those in self-isolation particularly the elderly, will be an important focus for the Parish Council and its staff going forward.

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

1.1. PUBLIC EVENTS

Now that 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
Annual Parish Meeting	6 <sup>th</sup> May 2020	Statutory requirement to hold between 1 <sup>st</sup> March and 1 <sup>st</sup> June. Requires minimum 7 clear days notice May be prohibited next week by Govt legislation	POSTPONE

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)

Furthermore, current legislation means that any decisions must be made by a quorate meeting of Councillors present (3 for Council) and voting in the room by show of hands. (i.e. not by videolink or email)

Even if videoconferencing is permitted, it is proposed that meetings are postponed for 3 months.

**RECOMMENDATION**

- (i) That meetings only take place where necessary business/decisions are required and cannot be postponed for 3 months or delegated to the Clerk.**
- (ii) That such meetings should only take place if new legislation is introduced to permit videoconferencing**

1.5 STATUTORY DEADLINES/REQUIREMENTS

In addition to the Annual Parish Assembly for residents, there are a number of statutory meetings, requirements and deadlines that apply to local Councils. There has been no change 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 Parish Meeting Thursday 6th May**

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 para 7(1) (2))

There is only one statutory item of business and that is the election of Chairman. However normally the Annual meeting also elects Committees, etc as stated in the Standing Orders. Standing Orders also 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 positions remain.

**RECOMMENDATION**

**To proceed on agreed date via videoconferencing if possible**

**(b) Approval of Annual Accounts/Annual Return – Tuesday 23<sup>rd</sup> June**

All local Councils are required under s168 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, Keynsham Parish Council is obliged to complete an Annual Governance and Accountability Return (AGAR) and submit this to the External Auditor (PKF Littlejohn) 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 (see staff paper for inspection provision). Given the Government's most recent announcement, it may be that the Internal Auditor may wish to postpone their visits. Emergency legislation has delayed the date for submission to 30<sup>th</sup> September.

**RECOMMENDATION**

**That if practical and permitted - to proceed with the approval of the Annual Return and Accounts before September 30<sup>th</sup>.**

1.6 **SERVICES**

**(a) Website Compliance**

There is a statutory requirement to ensure the website is accessible by 30<sup>th</sup> September 2020, it was the intention that the Parish Council would make a recommendation at full Council.

**RECOMMENDATION**

**To consider the options presented by video link.**

**(c) Play Areas/Litter Bins**

There is low risk to staff from these activities providing that precautions are taken when touching play equipment/bins and they do not engage with the general public for more than 15mins 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 fast-growing summer months will be effected as contractor is available.

**RECOMMENDATIONS**

- (i) That the Clerk continue with the delegated authority to manage the contractor and services of the Parish Council and take whatever decisions are necessary in line with the Council's Risk Assessment.**
- (ii) That the Clerk be authorised to utilise short term and temporary contractors where necessary to keep essential services running**

2.0 **COMMUNICATION**

Now that WFH is advised, it is vitally important that effective lines of communication are available between staff, Councillors and members of the public. All staff will be configured to work from home via a Council laptop.

- The Clerk will acquire Zoom Video conferencing software which is FOC for one host (Clerk) and up to 100 participants (which would work for Council and meetings)

**RECOMMENDATION**

**It is essential that Councillors log into their Parish Council email account on a daily basis whilst social isolation measures are imposed.**

3.0 **MAINTAINING LAWFUL DECISION -MAKING PROCESSES**

### 3.1. THE DELEGATION OF POWER

The law <sup>1</sup> permits a Council to delegate decision-making and discharge of statutory powers/functions (including “power to spend”) to the following

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

In order to perform these functions on the Council’s behalf. This doesn’t prevent Council from performing the responsibilities/decision-making itself <sup>2</sup> 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’ job description. These delegated powers therefore arise as the everyday duties of the Proper Officer and Responsible Finance Officer, including management of all services and finances.

At all times the Clerk has to comply with Standing Orders and Financial Regulations. These can only 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

The Standing Order does 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 Council. All decisions taken under this Standing Order are reported to next Parish Council meeting for ratification. Technically in this unprecedented situation, the Council and its 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 both the Financial Regulations and self-isolation.

### 3.3. SUSPENSION OF STANDING 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, only using the Council’s debit card at work on a Council computer

**Commented [JB1]:** Setting the precept <sup>3</sup>  
Approving the annual accounts/Annual Return <sup>4</sup>  
Considering an auditors report <sup>5</sup>  
Borrowing money <sup>6</sup>  
Adopting/revising the Code of Conduct <sup>7</sup>  
Declaration of General Power of Competence <sup>8</sup>  
Election of Chairman

1. Local Government Act (1972) s101
2. LGA(1972) s101(4)
3. LGA (1972) s101(6)
4. Accounts & Audit Regulations (2015) s12(2)
5. Audit Commission Act (1988) s11(8)
6. LGA(2003) schedule 1 (2)(4)
7. Localism Act (2011) s28(13)
8. Statutory Instrument SI95 Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012

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to authorise orders or BACS payments and seeking 3 quotes/council approval for procurement over certain values.

It is proposed that a new delegation of authority policy is introduced which will serve to temporarily suspend/amend the specific Financial regulations detailed in Appendix 1. Proposal on how finance and payroll will be administered by the Clerk and Deputy Clerk working from home are detailed in Appendix 2.

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**EAST SUTTON PARISH COUNCIL DELEGATION OF AUTHORITY POLICY DURING  
COVID19 OUTBREAK**

**1 BACKGROUND**

- 1.1. The Parish Council has been monitoring Government advice as the COVID19 pandemic escalates in the UK. This policy has been developed in response to that advice which as of 16<sup>th</sup> 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 Local Government Act (1972) to conduct its business.
- 1.2. The Parish Council has conducted a full Risk Assessment and formulated a Business Continuity Plan which is now dependent upon the delegation of further 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 is reasonably possible, its employees, Councillors, 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 Parish Council at which this policy is approved on Wednesday 25th 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 COVID19 outbreak and the requirements of the Local Government Act (1972)

**3.0 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' job description. These delegated powers therefore arise as the everyday duties of the Proper Officer and Responsible Finance Officer, including management of all staff, services and finances.
- 3.2. The purpose of this policy is to delegate further 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 East Sutton community.
- 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 Locum Parish Clerk for the period 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, and
  - b) Employment Appeals procedures requiring the involvement of Personnel Committee as detailed in section 6 of the Employee Handbook

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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 3 Councillors for the Operational Period

- 4.2. Where practicable, the 3 Councillors should consist of the Chairman and Vice Chairman of Council together with one other Councillor.

## **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. Financial Regulation 4.1 is suspended during the operational period in favour of authorisation as follows:

- 3 Councillors as described in clause 4.2. of this policy for all items over £5,000
- Chairman and vice Chairman of the council for items over £1000; or
- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £1000

- 5.2 In cases of extreme risk to the delivery of Council services, Financial Regulation 4.5 permits the clerk to authorise revenue expenditure on behalf of the Council which in the clerk's judgement it 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 operational period this shall be subject to an increased limit of £5,000 for a single transaction. The Clerk shall report such action to the Chairman and Vice Chairman of Council as soon as possible and to the Council as soon as practicable 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 regulation, access to internet banking accounts will be permitted from home addresses but shall still be via Council computers or Council tablets using the prescribed methods in the regulation. As this will also entail retention of the Council's bank cards at the respective home addresses, users will be required to make arrangements to ensure the security of cards and PIN numbers.

- 5.5 In respect of Financial Regulation 10.3, it is accepted that in these unprecedented circumstances, there may be insufficient suppliers available to obtain 3 or more quotations for a specific 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.

## **RECOMMENDATIONS**

- a. To approve the Business Continuity Plan**
- b. To approve the Delegation of Authority policy**



**Appendix 1 - Financial Regulations to be suspended/amended**

FR 4.1.

Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £5,000;
- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman

Contracts may not be disaggregated to avoid controls imposed by these regulations.

FR4.5

- 1.1. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

10.3.

All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.

**Appendix 2 – Administration of Finances and Payroll whilst working from home**

Approval of Invoices for Payment	Normally by Full Council at monthly meeting and signed by Chairman	Delegate approval to Clerk and 3 Councillors
BACS payment authorisation	Set up by Clerk and authorised by 2 Councillors	Bank cards to be taken to be kept at respective homes and log on to electronic banking from home using Council PC's (staff). Hard copy invoices to be collated by Clerk to prepare schedule for approval. Schedule emailed around and 3 Councillors to indicate approval by email copying all in. Placed on BACS system by Clerk to be approved by two Councillors
Bank reconciliations	Requirement by Internal Auditor for Councillor to sign off statements and bank rec	Continue as current – Clerk to scan and email around. To be acknowledged by all Cllrs that are able.
Procurement/placing of orders	Day to day/within budget can be effected from home by Clerk as usual.	Clerk has power to spend in an emergency £1000 Temporarily increase value to £5,000 in consultation with 3 Councillors
Monthly Staff payroll	The Council is contractually obliged to ensure wages are in employees bank accounts by the 1end of every month. March payroll has been run but now end of year procedures must be implemented first before software can be utilised for new financial year.	Payroll software accessible. Clerk can utilise software. Salary amounts are entered on HMRC Basic Paye on line. Payslip to be scanned and sent to Councillors for approval by 3 Councillors and payment set up by the Clerk for authorisation by two Councillors.