



BUSINESS CONTINUITY PLAN

IN RESPONSE TO COVID19 PANDEMIC

This document has prepared in association with the Parish Council's Risk Assessment for COVID19. (dated 18th March 2020)

Introduction

As there is no immunity to this 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 16th 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.

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.

It is very likely that the whole of Four Marks 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 Council and its staff going forwards and a draft plan is proposed for consideration at this meeting.

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.

BUSINESS CONTINUITY PLAN

The three main priorities for the Council are:

- a) Ensuring the Health and Safety of staff, Councillors, volunteers, contractors and Members of the Public participating in Council activities
- b) Maintaining effective and lawful decision-making processes
- c) The continuing operation of essential services and contractual obligations

N.B. Issues around Community Resilience activities will be addressed if appropriate.

1.0 HEALTH AND SAFETY

Much of this has been covered in the Risk Assessment in respect of the measures the Parish Council has already taken during the containment phase. Decisions now need to be made as the country enters delay phase with specific focus on isolation and shielding the 'At Risk' groups from becoming infected as per the Gov strategy

1.1. STAFF

Due to likely interaction with the general public, working from home or from a closed office environment should be implemented, with immediate effect.

TO PROTECT PARISH OFFICE STAFF, THE RECOMMENDATION TO CLOSE THE PARISH OFFICE TO THE PUBLIC WAS AGREED, WITH EFFECT FROM 19TH MARCH 2020.

1.2. COUNCILLORS

With at least one Councillor currently in self isolation and at least 3 in the At Risk category, and therefore unavailable to attend meetings, it is likely that both Committee and Council meetings are unlikely to be quorate. The Government is likely to introduce legislation to allow video conferencing, which may enable the Annual Meeting of the Council to take place in May.

TO PROTECT COUNCILLORS, THE RECOMMENDATION TO CANCEL ALL COMMITTEE AND COUNCIL MEETINGS UNTIL AT LEAST 17TH JUNE 2020, WITH THE PROVISIO THAT; THE GOVERNMENT ALLOW THE DELAY OF THE ANNUAL MEETING IN MAY OR ALLOW VIDEO CONFERENCING OR AN URGENT DECISION IS REQUIRED AT SHORT NOTICE, WAS APPROVED.

1.3. 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 APPROVED
Great British Spring Clean	4 th April	Whole event has been officially postponed until September	POSTPONED
Annual Parish Meeting	29 th April	Statutory requirement to hold between 1 st March and 1 st June. Requires minimum 7 clear days notice May be prohibited next week by Govt legislation	POSTPONE Issue documents as a report available on the website, with a view to holding a similar event in September
VE Day Celebration	8 th May	The anticipated participation of all ages and specifically the At Risk category. Review mid April, but plan for postponement except for tree planting.	POSTPONE
10k Run	5 th July	Too soon to call	Go ahead until further notice

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 Committee, 4 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 most meetings are postponed until Summer. There is plenty of administrative and report work already required to support the Committees' previous decisions which the Executive Officer and Assistant can undertake from home.

A full list of Committees is provided in Appendix 1 with the suggestions that most Committee meetings are postponed until Summer.

THE RECOMMENDATION THAT

- (i) meetings only take place where necessary business/decisions are required and cannot be postponed or delegated to the Executive Officer.**
- (ii) That such meetings should only take place if new legislation is introduced to permit videoconferencing or if attendees are not in isolation or in the At Risk category**

WAS APPROVED.

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 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 - Wednesday 20th 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, 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.

THE RECOMMENDATION TO PROCEED ON THE AGREED DATE VIA VIDEOCONFERENCING IF POSSIBLE OR POSTPONE UNTIL JUNE, IF LEGISLATION ALLOWS, WAS APPROVED

(b) Approval of Annual Accounts/Annual Return – Wednesday 17th 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, Four Marks 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. Given the Government's most recent announcement, it may be that the Internal Auditor may wish to postpone their visit. In addition, it is likely that pending emergency legislation will delay the date for submission to 30th September.

THE RECOMMENDATION THAT IF PRACTICAL AND PERMITTED - TO PROCEED WITH THE APPROVAL OF THE ANNUAL RETURN AND ACCOUNTS AT THE JUNE FULL COUNCIL MEETING, EITHER IN PERSON OR BY VIDEOCONFERENCING, DEPENDENT UPON SITUATION AT THE TIME WAS APPROVED.

(c) April Committee and Council meetings – 1st April and 15th April

THE RECOMMENDATION TO CANCEL THE APRIL COMMITTEE AND FULL COUNCIL MEETINGS WAS APPROVED.

(d) May and June Committee Meetings - 6th May and 3rd June

THE RECOMMENDATION TO CANCEL COMMITTEE MEETINGS UNLESS POTENTIALLY CONTROVERSIAL PLANNING OR OPEN SPACES ISSUES ARISE, THEN EACH CHAIRMAN WILL DECIDE ON WHETHER TO HOLD THE MEETINGS EITHER IN PUBLIC OR BY VIDEOCONFERENCING, WAS APPROVED.

1.6 SERVICES

(a) Benians Pavilion

Currently the Benians Committee are awaiting further advice from the government but currently will only be open to members and any sports clubs still operating. Private parties and other bookings have been cancelled until further notice.

THE RECOMMENDATION TO RESCIND THE PROPOSED INCREASE TO THE ANNUAL RENTAL FOR THE PAVILION WAS APPROVED.

(b) Play Areas/Open Space Areas/Pitches/Footpaths

There is low risk to staff from these activities providing that precautions are taking 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 regularly they will be closed until inspections can resume. [RoSPA Inspection due in May]. General upkeep during the fast-growing summer months will be monitored, the Executive Officer will liaise with the Open Spaces Contractor to ensure their risk is minimised. Preferred contractors to be used where possible to negate the ongoing risk of public engagement with the necessity to get three quotes.

(c) Cemetery

The local funeral directors already have the Executive Officer's personal mobile number for any urgent burial issues.

THE RECOMMENDATION THAT

- (i) the Executive Officer continue with the delegated authority to manage the operation of Open Spaces maintenance and take whatever decisions are necessary in line with the Council's Risk Assessment.**
 - (ii) the Executive Officer be authorised to utilise short term and temporary contractors where necessary to keep essential services running**
- WAS APPROVED.**

2.0 COMMUNICATION

Now that working from home has been advised, it is vitally important that effective lines of communication are available between staff, Councillors and members of the public. This will be particularly important if a Community Resilience Plan is proposed and ensuring delegated authority in consultation with specific Councillors can proceed

- All staff will be configured to work from home via a secure VPN server with a Council laptop as necessary.
- It is essential that Councillors log in and check their Parish Council email account on a daily basis whilst social isolation measures are imposed.

THE RECOMMENDATION THAT AN ADDITIONAL LAPTOP IS PURCHASED TO ENABLE THE ASSISTANT TO WORK FROM HOME WAS APPROVED.

THE RECOMMENDATION TO CONSIDER THE PURCHASE OF VIDEO CONFERENCING SOFTWARE SHOULD LEGISLATION BE LIFTED AND ADVICE TO NOT HOLD PUBLIC MEETINGS BECOMES LONGER TERM WILL BE DISCUSSED IF AND WHEN APPLICABLE
THE RECOMMENDATION TO CONSIDER PURCHASE OF DESIGNATED COUNCIL MOBILE PHONE WAS NOT DISCUSSED AS CALL DIVERT HAS BEEN

SET UP FOR OFFICE TELEPHONE.

3.0 MAINTAINING LAWFUL DECISION -MAKING PROCESSES

3.1. THE DELEGATION OF POWER

The law ¹permits 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 or RFO who may delegate to another officer) (see below)
- 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 ² 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 delegated powers therefore arise as the everyday duties of the Proper Officer and Responsible Finance Officer, including management of all staff, 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

Standing Order 15 permits the Clerk to take decisions on certain matters where no meeting is scheduled within the necessary timescale. However, these decisions 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

¹ Local Government Act (1972) s101

² LGA(1972) s101(4)

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 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 2. Proposal on how finance and payroll will be administered by the Executive Officer working from home are detailed in Appendix 3.

FOUR MARKS PARISH COUNCIL

DELEGATION OF AUTHORITY POLICY DURING COVID-19 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 16th 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 and all Council staff are advised to work from home
- 1.2. The Parish Council has conducted a full Risk Assessment and approved a Business Continuity Plan which is now dependent upon the delegation of further authority to the Executive Officer 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 18th 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) or subsequent legislation applies.

3.0 ROLE OF THE EXECUTIVE OFFICER

- 3.1. The Executive Officer 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 Executive Officer's 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 Executive Officer in order to ensure the Council can continue to operate its business to the best of its abilities for the benefit of the Four Marks community.
- 3.3. The Executive Officer can delegate authority to other staff. In the event that the Executive Officer is temporarily incapacitated and unable to carry out their duties during the operational period, all delegated authority will pass to the Assistant to the Executive Officer for the period the Executive Officer is incapacitated.

4.0 DELEGATION OF AUTHORITY

- 4.1. With the exception of *any matters which the law states cannot be delegated and are reserved for full Council* any decision requiring Committee or full Council approval where it is not possible to convene a lawful meeting is hereby delegated to the Executive Officer in consultation with 4 Councillors for the Operational Period
- 4.2. Where practicable, the 4 Councillors should consist of the Chairman and Vice Chairman of Council together with the Chairman of the Standing Committees (F&GP, Open Spaces and Planning).
- 4.3. In the event that a Councillor in 4.2 is incapacitated during the operational period, or holds two of the posts, then an appropriate substitute should be nominated and notify the Executive Officer accordingly

5.0 TEMPORARY ALTERATIONS TO FINANCIAL REGULATIONS

- 5.1. The Executive Officer 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:
- 4 Councillors as described in clause 4.2. of this policy for all items over £5,000
 - Chairman and a second member of a duly delegated committee of the council for items over £1000; or
 - the Executive Officer, 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 Executive Officer 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 Executive Officer 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 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.

THE RECOMMENDATION TO APPROVE THE BUSINESS CONTINUITY PLAN AND DELEGATION OF AUTHORITY POLICY WAS APPROVED.

APPENDIX 1 – POSTPONEMENT OF COMMITTEES

Planning Committee	Statutory consultee – will depend upon whether EHDC will still be processing Planning Applications	Delegate response to Executive Officer in consultation with the Chairman and at least 2 Councillors unless videoconferencing permitted, following circulation of the application.
Open Spaces Committee	Various projects	Executive Officer and Assistant will continue to work on ongoing projects until such time as a decision is required. Members of the Open Spaces committee will be contacted by email for decision, if financial delegated authority will apply.
Finance & General Purposes Committee	Next meeting scheduled for 25 th March. Due to meet to discuss policies and AGAR, including updating the Risk Assessment	POSTPONED EO can prepare documentation and policies and circulate to members for information/comment. Approval can then be considered at the next Full Council meeting

Appendix 2 - 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
- a duly delegated committee of the council for items over £500 but below £5,000; or
- the Clerk, with subsequent approval from the Chairman or relevant Committee Chairman, 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.

FR 4.5

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 £500 for a single transaction. The Clerk shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.

FR 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 3 – 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 Executive Officer and 4 Councillors
BACS payment authorisation <i>Ring Bank Start mandate change Check if authorisation procedure can be suspended in the event no Councillors are well enough to authorise</i>	EO plus Chairman and Vice Chairman	Bank card to be taken to be kept at EO's home and log on to electronic banking from home using Council PC's. Hard copy invoices to be collated by EO/AEO to prepare schedule for approval. EO then signs/codes and once authorised puts on BACS system to be authorised by Chairman and Vice Chairman. EO to collate hard copies for signature at the first available opportunity by both Chairman and Vice Chairman, or other designated signatory Councillors
Bank reconciliations	Requirement by Internal Auditor for Councillor to sign off statements and bank rec at regular intervals.	Continue as current – Cllr Davis, at an arranged time.
Procurement/placing of orders	Day to day/within budget can be effected from home by EO.	Clerk has power to spend in an emergency. Temporarily increase value to £5,000 in consultation with 4 Councillors
Monthly payroll (Basic PAYE tools RTI) Download back up onto laptop to enable WFH if possible.	March payroll has been run, but not submitted, but now end of year procedures must be implemented first before software can be utilised for new financial year.	In the event that the EO is unable to process salary payment, subject to updating authorisation procedures to allow AEO to process payments, AEO to process an 'on account' payment of £1,500 to the EO on the last day of the month EO until EO able to continue.