



BUSINESS CONTINUITY PLAN

IN RESPONSE TO COVID19 PANDEMIC

This document has been prepared in association with the Parish Council's Risk Assessment for COVID19, which is updated as Government guidance changes.

Introduction

The Covid-19 pandemic continues and following a period where lockdown measures were eased in July 2020, changes in Government guidance have taken place in response to a rising number of Covid-19 cases and deaths. Initial alert levels were introduced to different areas of the country according to the local infection rate and upgraded/downgraded as necessary. Currently however, at the time of this latest version of the continuity plan, England is in a second lockdown situation (Tier 5). The Executive Officer will continue to monitor, the guidance and act accordingly keeping the community updated by local notices and social media.

4th JANUARY 2021

NATIONAL LOCKDOWN : stay at home

Summary: what you can and cannot do during the national lockdown

You must stay at home. The single most important action we can all take is to stay at home to protect the NHS and save lives.

You should follow this guidance immediately. The law will be updated to reflect these new rules.

Leaving home

You must not leave or be outside of your home except where necessary. You may leave the home to:

- shop for basic necessities, for you or a vulnerable person
- go to work, or provide voluntary or charitable services, if you cannot reasonably do so from home
- exercise with your household (or support bubble) or one other person, this should be limited to once per day, and you should not travel outside your local area.
- meet your [support bubble](#) or [childcare bubble](#) where necessary, but only if you are legally permitted to form one

- seek medical assistance or avoid injury, illness or risk of harm (including domestic abuse)
- attend education or childcare - for those eligible

Colleges, primary and secondary schools will remain open only for vulnerable children and the children of [critical workers](#). All other children will learn remotely until February half term. Early Years settings remain open.

Higher Education provision will remain online until mid February for all except future critical worker courses.

If you do leave home for a permitted reason, you should always stay local in the village, town, or part of the city where you live. You may leave your local area for a legally permitted reason, such as for work.

If you are clinically extremely vulnerable you should only go out for medical appointments, exercise or if it is essential. You should not attend work

Meeting others

You cannot leave your home to meet socially with anyone you do not live with or are not in a [support bubble](#) with (if you are legally permitted to form one).

You may exercise on your own, with one other person, or with your household or support bubble.

You should not meet other people you do not live with, or have formed a support bubble with, unless for a permitted reason.

[Stay 2 metres apart](#) from anyone not in your household.

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. Decisions may need to be taken as the infection numbers potentially rise over the winter.

1.1. STAFF

The current guidance advises working from home where possible. From Monday 4th January 2021 the EO and AEO will be working from home. The office is closed to the public until such time as Government restrictions are lifted.

All equipment and risk assessments are in place to enable working from home.

1.2. COUNCILLORS

Councillors have been able to form a quorum remotely in order to continue Council business. Local councils have the power to hold public meetings remotely by using video or telephone conferencing until May 2021¹. NALC advises that Councils do continue to meet remotely as there is a duty to allow the public to observe council meetings without placing restrictions on the number attending and in order to satisfy this, a physical meeting may become unsafe.

Where the Council does identify a need to hold a physical meeting, this is legally possible in an amendment² to 'the Principal Regulations'. A risk assessment must be carried out, reasons why the meeting must be in person should be noted and all regulations must be adhered to.

¹ The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

² The Health Protection (Coronavirus Restrictions) (No.2) (England) (Amendment) (No.4) Regulations 2020 that came into force on 14 September 2020 permit this.

1.3. PUBLIC EVENTS

Now that the Government are discouraging social gatherings including pubs/clubs etc the Parish Council will not be holding any public events until guidance allows.

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)

The legislation above permits video conferencing for Council business as this allows the public and press to attend without compromising Covid safety.

RECOMMENDATION:

That meetings continue to be held remotely via video conferencing until May 2021 was approved.

1.5 STATUTORY DEADLINES/REQUIREMENTS 2020/2021

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 2020

The Annual Meeting scheduled as above was postponed, and it was subsequently agreed at the September 2020 meeting to defer this meeting until May 2021.

(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 announcement at that time, the Internal Audit was carried out remotely. Submission date was postponed to 30th September.

Following the Council's recommendation that the Annual Return and Accounts were approved at the June Full Council meeting and signed and returned within the allocated time frame, there was no delay in submission and the Notice of Conclusion of Audit was received on 28th August 2020.

1.6 SERVICES

(a) Benians Pavilion

The Pavilion remains closed to the wider public, although sports clubs have been given limited access.

Due to the current changing guidance, the Pavilion remains closed.

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

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

The annual RoSPA inspection was carried out and all maintenance was completed. The play area was reopened along with the adult multi gym and MUGAs following Government guidance in July. All areas, except the children's play area, are now closed.

(c) Cemetery

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

RECOMMENDATIONS AS BELOW WERE APPROVED

- (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**

2.0 COMMUNICATION

Working from home is still advised where possible, and following the latest announcement the Executive Officer and Assistant Executive Officer will work from home until further notice. The office telephone will be diverted to the Executive Officer's mobile telephone. Both the Executive and Assistant Executive Officers have equipment to enable home working.

A monthly plan for Zoom videoconferencing was purchased and has enabled the Council to meet and communicate effectively.

It remains essential for Councillors to check their emails on a regular basis.

3.0 MAINTAINING LAWFUL DECISION -MAKING PROCESSES

3.1. THE DELEGATION OF POWER

The law³ 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 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 does not prevent Council from performing the responsibilities/decision-making itself⁴ and legal responsibility always remains

³ Local Government Act (1972) s101

⁴ LGA(1972) s101(4)

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 Executive Officer before a decision is made/actions are taken by the Executive Officer.

The Clerk (Executive Officer) as Proper Officer /RFO is therefore the only individual in law who can act on behalf of the Council (although the Clerk [Executive Officer] 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 (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.

At all times the Clerk (Executive Officer) has to comply with Standing Orders and Financial Regulations. These can only be amended by a decision of Full Council. The Standing Orders/Financial 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 (Executive Officer) 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 (Executive Officer) 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 (Executive Officer) 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. Currently, most businesses are operating, therefore it may possible to obtain three quotes, if not, the EO/AEO must demonstrate that they have attempted to do so.

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

1.0 BACKGROUND

- 1.1. The Parish Council continue to monitor the Government guidance and advice regarding Covid-19.
- 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

2.0 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.
- 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 with the Council paperwork prior to the respective Meeting, to present to the Council or Committee for review and authorisation by resolution, as per Clause 5.2, and signed by the Chairman at the first opportunity.
- 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.

RECOMMENDATION: TO APPROVE THE UPDATED BUSINESS CONTINUITY PLAN AND DELEGATION OF AUTHORITY POLICY, APPROVED.

APPENDIX 1 – COMMITTEES

Planning Committee	Statutory consultee. Dependent upon whether EHDC are processing Planning Applications	Committee will meet remotely until May 2021, unless guidance changes. If the Committee is not quorate and unable to meet due to technical or other issues, a delegated response by the Executive Officer will be submitted in consultation with the Chairman and at least 2 Councillors from the Committee.
Open Spaces Committee	Various projects and ongoing improvements and open spaces maintenance	Committee will meet remotely until May 2021, unless guidance changes. Executive Officer and Assistant will continue to work on ongoing projects with reports back to monthly meetings. If the Committee is not quorate, delegation reverts to the Executive Officer as per the authority contained within this Business Continuity plan.
Finance & General Purposes Committee	Budget Policies Staffing	Committee will meet remotely until May 2021, unless guidance changes or committee agree is safe to do so. If the Committee is not quorate, meetings will be postponed and rescheduled or delegation will revert to that as detailed within this Business Continuity plan, as agreed by the Committee.

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 (Executive Officer), 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 Executive Officer, 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 (Executive Officer) 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 5.2

The RFO shall prepared a schedule of payments made or requiring authorisation, forming part of the Agenda for the Meeting and, together with relevant invoices, present the schedule to the Council, or Committee. The Council/Committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council or Committee. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

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.

APPENDIX 3 – ADMINISTRATION OF FINANCES AND PAYROLL WHILST WORKING UNDER CURRENT RESTRICTIONS

Approval of Invoices for Payment	Normally by Full Council at monthly meeting and signed by Chairman	As per amended Financial Regulation 5.2 to allow for circulation by email as per 5.3 of this Business Continuity Plan
Parish Council Credit Card	Normally held in Parish Office	EO will keep the credit card with her at all times to ensure access should the need to self isolate arise.
BACS payment authorisation	EO plus Chairman and Vice Chairman	Invoices for payment will be examined, verified, checked for accuracy, coded and signed by the EO. Payments will be entered onto the BACS payment system for authorisation. Scanned copies to be taken of each invoice and circulated with the schedule of payments and/or bank authorisation payment sheet. Payment sheet and invoices will be sent to two signatories electronically. In the first instance the Chairman and Vice Chairman, or other designated signatory Councillors, as appropriate. The signatories will send an email confirming authorisation for retention on file. EO to file hard copies for signature at the first available opportunity by both Chairman and Vice Chairman, or other designated signatory Councillors, as appropriate.
Cheque payment authorisation	EO plus two signatories	Due to the current restrictions, cheque payments should be avoided. However, in exceptional circumstances where cheque payment is the only option, two signatories will be asked to visit the office by appointment to sign the respective paperwork, cheque and stub as required.
Bank reconciliations	Financial Regulation 2.2 requires bank reconciliation verification by an appointed Councillor on a regular basis.	Continue as current – Cllr Davis, at an arranged time, with Covid procedures in place.
Procurement/placing of orders	Day to day/within budget can be affected from home by EO.	EO has power to spend in an emergency. Temporarily increase value to £5,000 in consultation with 4 Councillors
Monthly payroll (Basic PAYE tools RTI)	Payroll software is only on desktop computer	Salary payments have reverted to BACS system. Payroll can only be processed from desktop computer. If working from home desktop will be removed to home location.

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