

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

This document has prepared in association with the Council's Risk Assessment for COVID19. (version 3 dated 14th 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 7 days.

~~News announced on Sunday 15th March is that the Government intends to extend social isolation measures in the near future to include the following~~

- ~~a) Banning public events (no details as to whether this is just large scale events or all events where people congregate such as the Council's bandstand events)~~
- ~~b) Quarantining all people over aged 70 for up to 4 months~~
- ~~c) Extending self-isolation measures such that all members of the family will be required to self-isolate if one member is showing symptoms~~
- ~~d) Possible closure of schools and closure/requisitioning of other public buildings~~

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.

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

1.0 **HEALTH AND SAFETY**

Much of this has been covered in the Risk Assessment in respect of the measures the 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 Government strategy

1.1. **STAFF:**

The Clerk is currently at risk from infection by Members of the Public and Councillors visiting the Parish Rooms. Following the Government Guidance issued on the 16th March 2020 procedures must be put in place to enable home working.

RECOMMENDATION

- (i) **Working from home to be implemented at meeting of full Council on Friday 20th March**

1.2. **COUNCILLORS**

A number of Councillors will need to enter quarantine at the weekend so will be unavailable to attend meetings with the associated risk of council meeting being inquorate. Any Councillor with an At Risk status is to be discouraged from attending any further meetings and does so at their own risk. At Risk Councillors can however nominate substitutes for Committee meetings as per the Council's Standing Orders.

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

The Council do not have any Public events planned.

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 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 some meetings are postponed until the Autumn.

RECOMMENDATION

- (i) **That meetings only take place where necessary business/decisions are required and cannot be postponed until the autumn 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 Town 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 Town Council Meeting

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

(b) Approval of Annual Accounts/Annual Return – Tuesday 23rd 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. In addition, it is likely that pending emergency legislation will delay the date for submission to 30th September

RECOMMENDATION

The Audit deadline for Councils has been delayed until September 2020.

(c) Casual Vacancy

The Council has casual vacancies. If an election is not called by 10 electors by 31st March, the vacancy will be filled by co-option. As the government has already suspended the May elections until 2021, it is reasonable to assume any by-election would also not take place until then for the same reasons. If no election is called and the vacancy is to be filled by co-option, the earliest this could happen would be at a quorate May meeting as the invitation to co-opt has to be advertised for 3 weeks in compliance with the Council's co-option policy.

RECOMMENDATION

To cancel meetings until further notice and, if required to proceed with co-option later in the year when the opportunity arises.

1.6 SERVICES

(a) Website Compliance

There is a statutory requirement to ensure the website is accessible by 30th September 2020, it was the intention of the Clerk to start regular meetings to look not just at re-designing the website but also software platforms for a new site (e.g. wordpress)

RECOMMENDATION

The Clerk to continue this work from home but to delay meetings until further notice.

2.0 COMMUNICATION

It is vitally important that effective lines of communication are available between staff, Councillors and members of the public. This will be particularly important in ensuring delegated authority in consultation with specific Councillors can proceed

3.0 MAINTAINING LAWFUL DECISION -MAKING PROCESSES

3.1. THE DELEGATION OF POWER

The law ¹ 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... 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' 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 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

The 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 Council. All decisions taken under this Standing Order are reported to next Town 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 to authorise orders or BACS payments and seeking 3 quotes/council approval for procurement over certain values.

EARBY TOWN COUNCIL DELEGATION OF AUTHORITY POLICY DURING COVID19 OUTBREAK

i.i.1 BACKGROUND

- 1.1. The 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 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 required to work from home
- 1.2. The 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 Town 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

i.i.1.2 OPERATIONAL PERIOD

- 2.1 This policy will come into effect immediately the Chairman closes the meeting of Full Council at which this policy is approved on **Friday 20th March 2020**
- 2.2. This policy will be rescinded by a subsequent Full 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 community.

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 Handbookany decision requiring Committee of full Council approval where it is not possible to convene a lawful meeting is hereby delegated to the Clerk in consultation with the Chairman and Vice-Chairman for the Operational Period
- 4.2. Where practicable, the 2 Councillors should consist of the Chairman and Vice Chairman of Council.
- 4.3. In the event that a Councillor in 4.2 is incapacitated during the operational period, then they should nominate a substitute for the period they are incapacitated and notify the 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. Financial Regulations are suspended during the operational period in favour of authorisation as follows:
- 2 Councillors as described in clause 4.2. of this policy for all items over £5,000
 - Chairman and vice Chairman of a duly delegated committee 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 Regulations permit 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 £15,000 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 regulations, 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 Regulations, 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

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

