

COPYTHORNE PARISH COUNCIL MEETING – TUESDAY MAY 4TH 2021

ITEM 12. Review of delegation arrangement to committees; employees; or other local authorities

CURRENT POSITION

Committees – The Council has no committees

Advisory Committees – None of the Council’s Advisory Committees holds any delegated powers

Other Local Authorities – None

Employees – A COVID-19 Business Continuity Plan was approved on March 24th 2020 (and amended and approved on April 2nd 2020) to enable the Clerk to deal with matters when it was not possible to meet due to COVID restrictions.

This Plan (link is [COVID-19 Business Continuity Plan](#)), permitted under the Local Government Act 1972 (s.101), proved very useful in the early days of the COVID-19 pandemic before temporary legislation allowed Parish Councils to meet virtually to conduct their business. This temporary legislation comes to an end on May 6th 2021.

Whilst we hope to get back to normal face to face meetings in the very near future I – as Proper Officer - think that it makes sense to have the ability to fall back on such a plan should face to face meetings or other legal methods of meeting not be possible at any time in the future.

An amended version of the Business Continuity Plan is attached. The amendments relate to the preamble rather than to the specific delegations contained within Point 5 of the plan, all of which were previously agreed on April 2nd 2020.

RECOMMENDATION

That Council approves the continued existence of the scheme of delegation known as the “Business Continuity Plan”

David Rigby, Clerk/RFO

April 23rd 2021

Copythorne Parish Council
Business Continuity Arrangements

1. Introduction

Councillors will be well aware of the initial impact that the Covid-19 pandemic had on the ability for Copythorne Parish Council (“the Council”) to conduct its day to day business in a timely manner.

The Council has a duty of care to prevent the spread of infectious disease not just to Council members and staff but also to members of the public.

However, the Council needs to ensure that it maintains effective and lawful decision-making processes and continues the operation of essential services and contractual obligations when, for whatever reason it is not able to meet in a legal manner.

This report sets out how the Council can respond to ensure that these objectives are met.

2. Services

- Council Offices (*the Parish Clerk’s home*)

It is intended that the Parish Clerk (“the Clerk”) will continue to respond to enquiries from the public. While the Council has no formal role or expertise in public health matters, it is well placed to distribute information to local residents and to keep people informed.

In light of the current guidance regarding social distancing the office (*the Clerk’s home*) will be closed to the public other than by appointment for such matters that cannot be conducted via telephone or email. Any such visits must be conducted in a way that complies with any government guidance.

3. Matters Relating to Staff

The National Joint Council for local government services (NJC) has issued guidance for employers which the Council will follow, summarised below:

“Employees who are sick or unfit for work need to focus on their recovery.”

If an employee is fit for work but decides, or is instructed, to self-isolate then their absence should not be recorded as sickness absence. Options for home or remote working will be offered to employees in accordance with the Council’s flexible working policy. As staff are ‘well’ at this stage they should stay on normal full pay for the duration of the self-isolation period until such time as they are confirmed to have contracted Covid-19, at which point they transfer to sickness absence leave and the usual provisions of the sickness scheme will apply.

If an employee is caring for someone who has or may have been infected with Covid-19, this period of absence should also be regarded as self-isolation. Given the employee may then have been in direct contact with the virus we would expect only working from home arrangements to be then considered for the duration of the incubation period. Employers should keep in touch to support employees.

Following any school closures, employers should be fully supportive of employees with childcare responsibilities and consider flexible working arrangements, including adapting working patterns to care for children or dependents or taking time off, whether this is special leave, annual leave or flexible working.

In the event of the Clerk being unable to work, contact with the public will be maintained by the Chairman of the Council (or in his absence the Vice Chairman) as currently happens when the Clerk is on Annual Leave.

4. Public Meetings and Events

It is a requirement of the Local Government Act 1972, that Council business shall be conducted at public meetings of the council and any committees. This requirement was amended by The Local Authorities & Police and Crime Panels (Coronavirus) (Flexibility of Local Authority & Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which expires on May 6th 2021.

Councillors and other Volunteers can choose not to attend public meetings. As an officer of the Council, the Clerk cannot choose not to attend meetings that would be legal.

Due to the nature of local government and considering the Councillors and Members of Public who attend meetings, there is a significant proportion of attendees who are considered by HM Government and Public health England to be at "high risk" from Covid-19.

Whilst the Annual Parish Meeting is not a council meeting it also needs to be considered in the same way as Council meetings

5. Delegation to the Clerk

The Clerk is formally designated "Proper Officer"/"Responsible Finance Officer" (RFO) and in law is the only individual who can act on behalf of the Council and lead the administration of all the Council's activities. Some obligations are statutory whilst others are determined by the Council as part of the Clerk's job description. These delegated powers are the everyday duties of the Proper Officer and Responsible Finance Officer, including management of all staff, services and finances.

i) General Delegation

To allow the Council to operate on a minimum requirement basis, the following is delegated to the Clerk whenever the Council is unable to meet to conduct its business in a legal manner:

The Clerk shall have delegated authority to make decisions on behalf of the Council where such decisions cannot reasonably be deferred and must be made in order to comply with a commercial or statutory deadline.

This will be carried out where possible by consultation with Council Members by electronic means or telephone. The delegation does not extend to matters expressly reserved to the Council in legislation or in its Standing Orders or Financial Regulations. Any decisions made under this delegation will be recorded in writing and will be published in accordance with the relevant regulations.

ii) Planning Applications

The Clerk will submit a summary response as per Parish Briefing Note response guidelines to New Forest National Park Authority or New Forest District Council (as appropriate) of any planning applications, having invited comments from all councillors and having secured agreement for a response from a quorate majority of councillors (in the case of Copythorne Parish Council a quorum is three councillors so a 2-1 vote for a particular response would be sufficient). These arrangements are the same as those included in Standing Order 15 b. xvi for the month of August when the Council doesn't meet.

iii) Finance

All purchases and payments, already allowed for within the budget, will be made by the Clerk as the Responsible Finance Officer. These will be made at the appropriate time in order to maintain the services of the Council, to fulfil contractual obligations or to prevent any late charges. Within five working days of the end of each calendar month the Clerk/RFO will send councillors a detailed list of the payments made in that month. A summary report of all payments will be presented to the Council at the first meeting following the lifting of restrictions.

To avoid social interaction between Council bank account signatories, Internet Banking will be used by the Clerk to make such payments as detailed above. These payments will only be released to the beneficiary once they have been individually approved, in e-mails to the Clerk, by two councillors (neither of whom are – or connected to – the beneficiary) following sight of the invoice relating to the payment. A copy of our bank account statement will continue to form part of the monthly bank reconciliation sent to councillors to confirm that no unauthorised payments had been made.