

## **BUSINESS CONTINUITY PLAN**

### **IN RESPONSE TO COVID19 PANDEMIC**

This document has been prepared in association with the Town Council's Risk Assessment for COVID19. (12<sup>th</sup> 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.

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 at-risk groups include:

- aged 70 or older (regardless of medical conditions)
- under 70 with an underlying health condition listed below (ie anyone instructed to get a flu jab as an adult each year on medical grounds):
- chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease (COPD), emphysema or bronchitis
- chronic heart disease, such as heart failure
- chronic kidney disease
- chronic liver disease, such as hepatitis
- chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis (MS), a learning disability or cerebral palsy
- diabetes
- problems with your spleen – for example, sickle cell disease or if you have had your spleen removed
- a weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy
- being seriously overweight (a body mass index (BMI) of 40 or above)
- those who are pregnant
- people who have received an organ transplant and remain on ongoing immunosuppression medication
- people with cancer who are undergoing active chemotherapy or radiotherapy
- people with cancers of the blood or bone marrow such as leukaemia who are at any stage of treatment
- people with severe chest conditions such as cystic fibrosis or severe asthma (requiring hospital admissions or courses of steroid tablets)
- people with severe diseases of body systems, such as severe kidney disease (dialysis)

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

A significant proportion of staff and Councillors are either in At Risk groups themselves or have close family members they either live with or care for that are.

Furthermore, Nantwich has a higher number of people over the age of 60 than the UK average.

Obviously, the whole of Nantwich 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 Town Council and its staff going forwards and a draft plan is proposed for consideration at this meeting.....but first the Town Council needs to put its own oxygen mask on.

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, 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 in a separate proposal.

### **1.0 HEALTH AND SAFETY**

Much of this has been covered in the Risk Assessment in respect of the measures the Town 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:**

The Civic Hall Open Plan Offices now represent a HIGH risk due to uncontrolled public access for Tourist Information services. The Market Hall also represents a HIGH risk for the same uncontrolled public access.

Owing to the risk of infection from each other it is proposed that the NTC staff are split into two operational teams, each one headed by The Town Clerk and The Facilities Manager to man the offices on a weekly rota basis. This will mitigate the risk should a team member experience symptoms associated with COVID-19, it will not impact on all NTC staff only the small sub-team. If recommendations are approved staff whilst at home will either be available for work to replace a colleague due to illness/isolation, and where possible will work from home. However, some members of staff due to the nature of their role will not be able to work from home.

#### **RECOMMENDATION (APPROVED)**

- (i) Working from home policy to be implemented from Monday 23<sup>rd</sup> March 2020 as follows:

##### Week one

Sam Roberts  
Ben Clarke  
Jill Geldart  
Nigel Timmis  
Angela Minshull  
Katie Shard  
Josh Galloway  
Mike Elsby

##### Week two

David Thomas  
Paul Marren  
Sheryl Birtles  
Ken Southern  
Pat Allman  
Ceylon Hinnett  
Jordon Marsh  
Christine Chesters

## **1.2. COUNCILLORS**

Several Councillors will need to self-isolate at the weekend so will be unavailable to attend meetings with the associated risk of not being quorate. 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.

### **RECOMMENDATION (APPROVED)**

All Councillors to continue to advise the Clerk of nominated substitutes prior to the meeting.

## **1.3. PUBLIC EVENTS**

Now that the Government are discouraging social gatherings including pubs/clubs etc the Town Council's planned events have been assessed.

### **RECOMMENDATION (APPROVED)**

All Town Council events at the Civic Hall and Square are where possible postponed to a future date or cancelled where this is not possible.

## **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) "No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three. 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. There is plenty of administrative and report work already required to support the Council's previous decisions which the Clerk and other officers can undertake from home.

A full list of Committees is provided in Appendix 2 with the suggestions that most Committee meetings are postponed until Autumn with the exception of Full Council in June (for Annual Return),

### **RECOMMENDATION (APPROVED)**

- (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 Friday 15<sup>th</sup> 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 Mayor. However normally the Annual meeting also elects Committees, etc as stated in the Standing Orders. Standing Orders also state that the Mayor, Deputy Mayor 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 (APPROVED)**

To proceed on agreed date via videoconferencing

**(b) Approval of Annual Accounts/Annual Return – Thursday 11th 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, Nantwich Town 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 both the Internal Auditor and the Year End Accountants may wish to postpone their visits. In addition, it is likely that pending emergency legislation will delay the date for submission to 30th September

**RECOMMENDATION**

That if practical and permitted - to proceed with the approval of the Annual Return and Accounts in June by videoconferencing

**1.6 SERVICES**

**(a) Publications**

Quarterly Talk of the Town can continue whilst staff work from home. Social media and website can also be maintained working from home. This will become increasingly important in respect of the Town Council’s support of the Community Resilience support.

**(b) Website Compliance**

There is a statutory requirement to ensure the website is accessible by 30th September 2020. The Town Council has already authorised the appointment of a new website provider. The Marketing Manager has been working with the new website providers and is at the stage of the website being built. The Marketing Manager will be able to work on the new website from home.

**(c) Office Opening For Enquiries/Leaflet/Sales to Members of the Public Etc**

This could be managed providing it is safe for staff to attend on a rota basis as proposed. The most important reason for permitting access to Members of the Public would be to aid in the community resilience for the town.

**(d) Market Hall**

Based on common good practice in the country at the moment the Facilities Manager has obtained the following information:

No new (casual) traders are permitted.

Where market traders are having to self-isolate then there is no rent charged for the 14 days.

Over the next 12 weeks traders are being offered a 50% discount on market stall rents.

In addition, the Town Council on 5<sup>th</sup> March agreed to meet with market trader representatives to develop a fair rent setting policy. Given the current guidance it is unlikely meetings can be arranged to develop this further through no fault of officers, councillors and more importantly market traders.

**RECOMMENDATIONS (APPROVED)**

- (i) A rent-free period for all market traders. This will be reviewed in line with Government guidance throughout the pandemic, with rent charges being re-introduced when the Town Council believe that the Country is over the worst;
- (ii) Outside market traders are welcome to continue trading but gazebos and tables will no longer be provided by the Town Council. This will also be reviewed, and reintroduced once conditions improve.
- (iii) The Market Supervisor will open the Market Hall each morning and close the Hall following the end of trade but will not remain at the Market throughout the day and will be based at the Civic Hall. Traders will be able to access the Market Supervisor by telephone throughout trading days for advice/assistance.
- (iv) The public conveniences will close on non-market days, but will be opened every Tuesday, Thursday and Saturday during trading hours. Again, the Cleaner will not be based at the toilets throughout the day but will ensure the toilets are clean in the morning upon opening.
- (v) The Town Council will consider requests for new traders where this does not conflict with services/goods that are already offered by existing traders.
- (vi) The Town Council will continue to promote the market offer on social media and press
- (vii) The Town Council will share with traders any information obtained relating to Government support available for businesses.
- (viii) That the Clerk continue with the delegated authority to manage the staff and services of the Town Council and take whatever decisions are necessary in line with the Council's Risk Assessment.
- (ix) That the Clerk be authorised to utilise (if necessary) short term and temporary contractors where necessary to keep essential services running

**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 delivering any Community Resilience support and ensuring delegated authority in consultation with specific Councillors can proceed

- Some staff will be configured to work from home via a secure VPN server with a Council laptop. (Cost details attached)
- Some staff will utilise Council mobiles to talk to each other.
- 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 Committee meetings of up to forty minutes in length)
- The Clerk will be authorising Prism to bring forward the set-up and installation of the Council's tablets. Once configured, these can be delivered to Councillors homes by staff.

### **RECOMMENDATION (APPROVED)**

- (i) It is essential that Councillors log into their Town Council or Cheshire East email account on a daily basis whilst social isolation measures are imposed.
- (ii) The re-imburement of costs to staff for using personal mobile phone for work purposes.
- (iii) The authorisation of costs associated with the VPN server.

## **3.0 MAINTAINING LAWFUL DECISION -MAKING PROCESSES**

### **3.1. THE DELEGATION OF POWER**

The law 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 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 Financial Regulations 4.5 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 Mayor and Deputy Mayor of Council. All decisions taken under this are reported to next Town Council meeting for ratification. Technically in this unprecedented situation, the Council and its Clerk could just rely on this Financial Regulation to “see them through” the next few months. However when the decision involves further 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 seeking 3 quotes/council approval for procurement over certain values.

A new delegation of authority policy is introduced which will serve to temporarily suspend/amend the specific Financial regulations detailed.

## **NANTWICH TOWN COUNCIL DELEGATION OF AUTHORITY POLICY DURING COVID19 OUTBREAK**

### **1 BACKGROUND**

1.1. The Town 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 Town 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 Town 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, contractors and members of the public

### **2. OPERATIONAL PERIOD**

2.1 This policy will come into effect immediately the Mayor closes the meeting of Town Council at which this policy is approved on Thursday 19<sup>th</sup> March 2020

2.2. This policy will be rescinded by a subsequent Town 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'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 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 Nantwich 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 Facilities Manager 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

any decision requiring Committee of full Council approval where it is not possible to convene a lawful meeting is hereby delegated to the Town Clerk in consultation with 4 Councillors for the Operational Period.

4.2. Where practicable, the 4 Councillors should consist of the Mayor and Deputy Mayor of Council together with the Chairman and Vice Chairman of a relevant Committee.

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 Town 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 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 £7,000
- Chairman and vice Chairman of a duly delegated committee of the council for items over £2,500; or
- the Clerk, in conjunction with Mayor of Council or Chairman of the appropriate committee, for any items below £2,500.

5.2 In cases of extreme risk to the delivery of Council services, Financial Regulation 4.7 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 £15,000 for a single transaction. The Clerk shall report such action to the Mayor and Deputy Mayor of Council and Chairman and Vice Chairman of Finance Committee as soon as possible and to the Council as soon as practicable thereafter.

5.3. The Clerk/RFO shall prepare the 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 Mayor.

5.4. In respect of Financial regulation 6.16, 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. Orders for work, goods and services., 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 (APPROVED)**

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