



Notice of Meeting

Aintree Village Parish Council

To all Members of Aintree Village Parish Council

You are hereby summoned to the **special** meeting of the Parish Council to be held on **Monday 23rd March 2020** in the Council Chamber, Harrow Drive, Aintree Village, commencing at **7.00pm**

Mo Kundi
Council Manager and Parish Clerk

AGENDA

7045	To receive apologies for absence			Approx. time
7046	To receive declarations of interest			
7047	Public participation			
7048	To consider and approve the minutes of the Parish Council meeting held on 16 th March 2020 (to be sent if ready).			5
7049	Clerk's reports	1. To consider the report setting out the potential actions required to facilitate Parish Council business in light of the Coronavirus. (to be sent as Agenda 7049 (A))		10
7050	Reports from external meetings and Chairman's reports.			5
7051	Dates of next meetings	Parish Council	F & GP Committee	P & A Committee
		<ul style="list-style-type: none"> • 11th May 2020 (Annual Parish meeting) • 18th May 2020 (Annual Parish Council meeting) 	• 20 th April 2020	• 6 th April 2020

Aintree Village Parish Council

Report on Business Continuity Plan in Response to COVID 19 Pandemic

1.0 Purpose of report

- 1.1 The purpose of this report is to update Members on the rapidly changing picture for the COVID19 in line with Government Guidance, and consider and approve the actions required during this pandemic.
- 1.2 This report is in two parts. The first part deals the Business Continuity Plan and the actions emanating from it and the other report is on Delegation of Authority Policy during COVID-19 Outbreak

2.0 Introduction

2.1 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 Government's action plan up to 20% of the Council's staff/Councillors may be infected during the peak of the outbreak.

2.2 All people with symptoms are now being requested to self-isolate for a period of 7 days.

2.3 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>

- *Avoid contact with someone who is displaying symptoms of coronavirus (COVID-19). These symptoms include high temperature and/or new and continuous cough;*
- *Avoid non-essential use of public transport, varying your travel times to avoid rush hour, when possible;*
- *Work from home, where possible. Your employer should support you to do this. Please refer to [employer guidance](#) for more information;*

- *Avoid large gatherings, and gatherings in smaller public spaces such as pubs, cinemas, restaurants, theatres, bars, clubs*
- *Avoid gatherings with friends and family. Keep in touch using remote technology such as phone, internet, and social media.*
- *Use telephone or online services to contact your GP or other essential services.*

2.4 *Everyone should be trying to follow these measures as much as is pragmatic.*

2.5 *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.

2.6 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*

2.7 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).

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

2.9 Some staff and Councillors are either in "At Risk" groups themselves or have close family members they either live with or care for that are. Individual Members of staff have been assessed and at the moment there no action is required.

2.10 The whole of Aintree Village 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 Parish Council and its staff going forwards.

2.11 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.

3.0 BUSINESS CONTINUITY PLAN

3.1 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

a) HEALTH AND SAFETY STAFF:

3.2 With the exception of Council Manager and Parish Clerk and the RFO, who work from home, the high risk is for the two Park Officers, the Cleaner and the recently appointed Sue Harrison's company to undertake weekend work if the Parish Council buildings remain open to the public and users.

3.3 Actions:-

- Close all building to non-staff and Members.
- Park Officers (including weekend worker) to minimise contact with Members of the public (social distancing) and take all necessary precautions as prescribed by NHS England.

COUNCILLORS

3.4 Councillors may need to enter quarantine so will be unavailable to attend meetings with the associated risk of an inquorate meeting. Any Councillor with an "At Risk" status is to be discouraged from attending any further meetings and does so at their own risk. 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

3.5 Actions:-

- All Councillors are requested to continue to advise the Council Manager and Parish of availability for meeting.

PUBLIC EVENTS

3.6 Now that the Central Government is discouraging social gatherings including pubs/clubs etc the Parish Council's planned activities and events should be cancelled.

3.7 Actions:-

- Football changing facilities, Bowling Green, Disabled Toilets, Tuck Shop/Café, Council Chamber or other parts of the two buildings are not available for use during this challenging time.

COUNCIL/COMMITTEE MEETINGS

3.8 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)

3.9 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)

3.10 Even if video conferencing is permitted, not all Members may have the facility, and therefore Members may wish to consider some meetings being postponed until the pandemic situation resolves itself.

3.11 Actions:-

- That meetings only take place where necessary business/decisions are required and cannot be postponed until say the autumn or delegated to the Council Manager and Parish Clerk and the RFO.

- That such meetings should only take place if new legislation is introduced to permit video conferencing.

STATUTORY DEADLINES/REQUIREMENTS

3.12 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. We anticipate guidance on this issue in the near future.

Annual Parish Council Meeting 18th May 2020

3.13 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.

Six Month Rule

3.14 Section 85 of the Local Government Act states that an apology must be approved in order for the 6 month period for a Member’s non-attendance to start.

3.15 Actions:-

- To proceed on agreed date via videoconferencing if practical and legally permitted to do so.
- To Agree upfront ‘approval to six months’ leave of absence for those Members in their ‘seventies’ and any Members who declare themselves to be in the ‘At Risk’ group.

Approval of Annual Accounts/Annual Return – By 30th September 2020.

3.16 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.

3.17 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, Aintree Village 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.

3.18 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.

3.19 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 2020

3.20 Actions:-

- That if practical and legally permitted - to proceed with the approval of the Annual Return and Accounts in by videoconferencing or other approved methods of communication.

SERVICES

Play Areas/Litter Bins/green spaces/projects

3.21 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.

3.22 In the event that play areas cannot be inspected weekly and there is a potential risk then they will be closed until inspections can resume. Subject to staff being at work, the general upkeep of the Park will be maintained and projects such as the Community Gardens and Orchard will be constructed.

3.23 The Chair of the Park and Amenities Committee and Council Manager and Parish Clerk are scheduled to meet the Envirolawn contractor on Monday afternoon. The outcome of this meeting will be conveyed verbally at the meeting. However, unless there are further restrictions imposed by Central Government the contractor is likely to go ahead in implementing Phases 1 and 2 of the safety schemes but by taking additional safety measures to prevent close contact with the users of the Park.

3.24 Actions:-

- That the Council Manager and Parish Clerk continue with the delegated authority to manage the staff and services of the parish Council and take whatever decisions are necessary in line with the Council's Risk Assessments.

MAINTAINING LAWFUL DECISION -MAKING PROCESSES

The Delegation of Power

3.25 The law ¹ permits a Council to delegate decision-making and discharge of statutory powers/functions (including "power to spend") to the following

- A Committee, (who may further delegate to a sub-committee) but not a Working Party)
- A Council Officer (Clerk, RFO... who may delegate to another officer) (see below)
- Another Local Authority

In order to perform these functions on the Council's behalf.

3.26 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 (see annex 1), 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.

3.27 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.

3.28 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.

3.29 The Parish Council employs Council Manager and Parish Clerk, and the RFO. It is proposed that in the event that either of these officers are unable to undertake their duties the person unaffected by the Coronavirus takes up both roles, including the statutory responsibilities.

3.30 Actions:-

- In the event that either of these officers are unable to undertake their duties the person unaffected by the Coronavirus takes up both roles, including the statutory responsibilities.

SUSPENSION OF STANDING ORDERS/FINANCIAL REGULATIONS

3.31 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, at work on a Council computer to authorise orders or BACS payments and seeking 3 quotes/council approval for procurement over certain values.

3.32 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 Council Manger and Parish Clerk and the RFO working are detailed in Appendix 3.

4.0 Recommendations

It is recommended that Members approve the Business Continuity Plan following and the following actions emanating from it:-

- Close all building to non-staff and Members (retrospectively).
- Park Officers (including weekend worker) to minimise contact with Members of the public (social distancing) and take all necessary precautions as prescribed by NHS England.
- All Councillors are requested to continue to advise the Council Manager and Parish of availability for meeting.
- Football changing facilities, Bowling Green, Disabled Toilets, Tuck Shop/Café, Council Chamber or other parts of the two buildings are not available for use during this period
- That Council/Committee meetings only take place where necessary business/decisions are required and cannot be postponed until say the autumn or delegated to the Council Manager and Parish Clerk and the RFO.
- That such Council/Committee meetings should only take place if new legislation is introduced to permit video conferencing.
- The Annual Parish Council to proceed on agreed date via videoconferencing if practical and legally permitted to do so.
- Agree upfront 'approval to six months' leave of absence for those Members in their 'seventies' and any Members who declare themselves to be in the 'At Risk' group.
- That if practical and legally permitted - to proceed with the approval of the Annual Return and Accounts in by videoconferencing or other approved methods of communication.
- That the Council Manager and Parish Clerk continue with the delegated authority to manage the staff and services of the parish Council and take whatever decisions are necessary in line with the Council's Risk Assessments
- In the event that either the Council Manager and Parish Clerk or the RFO are unable to undertake their duties the person unaffected by the Coronavirus takes up both roles, including the statutory responsibilities.

Aintree Village Parish Council

Report on Delegation of Authority Policy during COVID-19 Outbreak

1.0 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 Council staff are required to work from home

- 1.2. The Parish Council having approved the Business Continuity Plan is now dependent upon the delegation of further authority to the Council Manager and Parish Clerk and the 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

2.0 OPERATIONAL PERIOD

- 2.1 This policy will come into effect immediately the Chairman closes the meeting of the 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)

3.0 ROLE OF THE CLERK AND RFO

- 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 and RFO's job descriptions. 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 and the RFO in order to ensure the Council can continue to operate its business to the best of its abilities for the benefit of the Aintree Village community.

- 3.3. The Clerk can delegate authority to other staff. In the event that the Clerk or the RFO is temporarily incapacitated and unable to carry out their duties during the operational period, all delegated authority will pass to the nominated officer namely the RFO and visa versa for the period the Clerk or the RFO 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) any decision requiring full Council approval where it is not possible to convene a lawful meeting is hereby delegated to the Parish Clerk in consultation with 3 Councillors for the Operational Period.
- 4.2. Where practicable, the 3 Councillors should consist of the Chairman and the Chairs of the two Committees. .
- 4.3. In the event that a Councillor in 4.2 is incapacitated during the operational period, then one of the two Vice-chairs of the two Committee would be substituted.

5.0 TEMPORARY ALTERATIONS TO FINANCIAL REGULATIONS

- 5.1. The Clerk is authorised to make expenditure on revenue items up to in the approved budget. Financial Regulation 4.1 is suspended during the operational period in favour of authorisation as follows:
- Councillors as described in clause 4.2. of this policy for all items over £5,000
 - Chairman and Chair of a duly delegated committee of the council for items over £500; or
 - the Council Manger and Parish Clerk for any items below £500
- 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 £5000 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 and electronically signed by the Chairman.
- 5.4. In respect of Financial Regulations, access to internet banking accounts, where required will be permitted from home addresses but shall still be via Council computers using the prescribed methods in the regulation.
- 5.5 In respect of Financial Regulation, 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.

6.0 RECOMMENDATIONS

- 6.1 It is recommended that Members approve the Delegation of Authority Policy

APPENDIX 1 – Legislative issues

Setting the precept ³

Approving the annual accounts/Annual Return ⁴

Considering an auditors report ⁵

Borrowing money ⁶

Adopting/revising the Code of Conduct ⁷

Declaration of General Power of Competence ⁸

Election of Chairman

1. Local Government Act (1972) s101

2. LGA(1972) s101(4)

3. LGA (1972) s101(6)

4. Accounts & Audit Regulations (2015) s12(2)

5. Audit Commission Act (1988) s11(8)

6. LGA(2003) schedule 1 (2)(4)

7. Localism Act (2011) s28(13)

8. Statutory Instrument SI95 Parish Councils (General Power of Competence)
(Prescribed Conditions) Order 2012

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]; or
- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, 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.

FR4.5

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 include repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £200 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. Any further transaction during the financial year requiring such expenditure should not take place without the approval of an Extraordinary meeting of the Parish Council.

FR10.3.

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		
Action	Current Procedure	Proposed Delegation & Action
Approval of Invoices for Payment, including Payments schedule.	Normally by full Council and Finance & General Purposes Committee at monthly meeting and signed by Chairman/Committee Chair, with Cllrs. Gill, Owens and Bennett checking and signing invoices.	Delegate approval to Emergency Committee consisting of 5 Councillors, namely Cllrs. Carter, Honeyman, Wykes, Moore, and Bennett with Owens as a substitute.
Bank reconciliations	Normally Bank reconciliation schedule approved at Council or Finance & General Purposes Committee	RFO to send via email Bank reconciliation to Emergency Committee for approval Clerk has power to spend in an emergency Temporarily increase value to £15,000 in consultation with 3 Councillors
Monthly Monitoring Report	Monthly Monitoring report normally approved at Council or Finance & General Purposes Committee	RFO to send via email monthly Monitoring report to Emergency Committee for approval.
Monthly Staff payroll	The Council is contractually obliged to ensure wages are in employees bank accounts by the 6th of every month, and this is actioned by the RFO.	No change to process.
Copies of Payments schedule, Bank reconciliation and Monitoring reports to be sent to all Members for information.		

Acknowledgement

With thanks to the Clerks of Keynsham Town Council and Lydiate Parish Council for drafting the basis of this report.