

## **Harberton Parish Council**

### **Response to COVID-19 pandemic: Council Operating Policy and Emergency Scheme of Delegation**

The parish council needs to adopt an internal plan, with the aim of business continuity where possible, in response to the current coronavirus pandemic. This document sets out some contingency plans. These plans will be subject to review as the pandemic situation changes, and will be guided by advice from government, Devon County Council, Devon Association of Local Councils and the Society of Local Council Clerks.

This document 'Response to COVID-19 pandemic: Council Operating Policy and Emergency Scheme of Delegation' was approved by Harberton Parish Council on 4<sup>th</sup> May 2021.

#### **1. Use of the COVID-19 Pandemic Council Operating Policy and Emergency Scheme of Delegation**

Changes to normal council business through use of the scheme of delegation will be kept under review by the Clerk in consultation with the Chair and Vice-Chair:

- a) on a monthly basis until it is considered possible for the Parish Council to resume face to face meetings, or
- b) should the Clerk be unwell or otherwise unable to conduct council business on behalf of the Parish Council and alternative arrangements are required.

The powers and duties set out in this scheme are delegated to the Parish Clerk in consultation with the Chair and Vice-Chair and other members of the Parish Council, depending on the business to be conducted or decision to be made. The Parish Clerk is also the Councils Responsible Financial Officer and the Proper Officer and responsibility for the management of the organisation.

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

The Parish Clerk will exercise these powers in accordance with:

- approved budgets
- the Council's Financial Regulations
- the Council's Policy Framework and other adopted policies of the Council
- all statutory common law and contractual requirements

#### **2. Action required by Clerk and Councillors**

Any person with symptoms of coronavirus must follow the advice of NHS111 (online advice is recommended, only phone 111 if necessary). The Clerk must be informed immediately and the person must not conduct council business in person until either a clear negative result from testing has been received, or until a quarantine period has been reached (advice on this to be taken by the person concerned from the NHS).

#### **3. Decision making**

Local authorities are required to hold meetings to make decisions. The Local Government Act 1972 requires members to be physically present in order for a meeting to take place. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 permitted local councils to hold 'remote' meetings accessible to all serving councillors and to the press and public. This legislation came into force on 4 April 2020 and expired on 7<sup>th</sup> May 2021.

In these exceptional times, a lawful alternative is for decisions which would otherwise have been on the agenda for a committee or Council if, to be made by an officer, for the parish council this will be the Parish Clerk. To ensure that decision making remains inclusive of elected members, the Clerk will make decisions having sought and taken into account the views of members of the council.

Means of consultation are laid out under section 5, 'Emergency Scheme of Delegation'

#### **4. Record of Delegated Decisions**

A record of delegated decisions will be maintained, with a register to list the decisions taken by the Clerk as Proper Officer of the council under this Emergency Scheme of Delegation (and any subsequent revisions of the Emergency Scheme of Delegation) as a result of the Coronavirus Bill 2020 and associated Government Restrictions. The Register will be maintained in accordance with the 2014 Openness of Local Government Bodies Regulations.

The Delegated Decision Register will include:

- Date of decision
- Reference number
- Who took the decision
- Financial value
- Whether a s.137 decision
- Summary details

Information which would normally be exempted under the Freedom of Information Act 2000 and the General Data Protection Regulations will not be published.

The decision register will be published on the parish council's website and regularly updated. Decisions will be recorded in the minutes of the first ordinary meeting of the Parish Council those meetings are resumed.

## 5. Emergency Scheme of Delegation

Emergency Scheme of Delegation		
Decision/Action	With whom to consult	Means of consultation
<b>General: Continuation of Business</b> The Parish Clerk is authorised as follows:		
To respond to queries and raise issues of concern with agencies with agencies and organisation with which the Parish Council liaises on services (such as South Hams localities officers, Devon County Highways etc).  To respond to correspondence from members of the public.	Chair and or Vice-Chair	<ul style="list-style-type: none"> <li>Produce a correspondence summary of issues that require consultation every 2 weeks and circulate to Chair and or Vice-Chair by email</li> <li>Discuss with Chair and or Vice-Chair by email or telephone/online call to agree a response</li> </ul>
To respond to complaints made under the Council's Complaints procedure	Chair and Vice Chair	<ul style="list-style-type: none"> <li>Compile evidence of the complaint and send notes to the Chair and Vice-chair</li> <li>Discuss with Chair/Vice-Chair by telephone/online call to agree a response</li> </ul>
To manage any urgent maintenance or tree works on Parish Council owned/managed land. This may include the need to apply to South Hams Development Management for tree works.	Chair and or Vice-Chair  Members of management committees	<ul style="list-style-type: none"> <li>Send a written report/decision consultation notes to the Chair/Vice-Chair and members of management committees (if relevant) by email, post or hand delivery.</li> <li>Discuss with Chair/Vice-Chair and members of management committees (if relevant) by email, telephone/online call to agree a response</li> </ul>
To sign, or where appropriate, have sealed on behalf of the Parish Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Parish Council	Chair and/or Vice-Chair	<ul style="list-style-type: none"> <li>Send a written report/decision consultation notes to the Chair/Vice-Chair by email, post or hand delivery.</li> <li>Discuss with Chair/Vice-Chair by email, telephone/online call to agree a response</li> </ul>
To institute and appear in any legal proceedings authorised by the Council	Chair and Vice-Chair	<ul style="list-style-type: none"> <li>Send a written report/decision consultation notes to the Chair/Vice-Chair by email, post or hand delivery</li> <li>Discuss with Chair/Vice-Chair by email, telephone/online call to agree a response</li> </ul>

**Financial Matters**

The Parish Clerk is authorised as follows:

<p>To incur expenditure up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.</p> <p>Expenditure in the range £1500 - £5000 to be incurred in consultation with the relevant committee chair/chair of council.</p>	<p>Chair and Vice-Chair</p> <p>Chair and Vice Chair and members of the Finance Committee</p>	<ul style="list-style-type: none"><li>• Compile written report/consultation notes for proposed spending</li><li>• Discuss with Chair and Vice-Chair by email, phone/online call in order for a decision to be made on authorising an order or payment</li><li>• Expenditure in the range £1500 - £5000 may only be ordered/incurred in consultation with the Chair, Vice-Chair and members of the Finance Committee</li><li>• Chair and Vice-Chair indicate their approval/rejection of spending in the range £1500 - £5000 in writing</li></ul>
<p>Invoices for normal expenditure will be paid on a monthly basis. Every effort will be made to minimise disruption of payments.</p> <p>To pay all accounts properly incurred.</p> <p>To pay all subscriptions to organisations to which the Council belongs.</p> <p>To incur expenditure on revenue items within approved estimates.</p> <p>To pay the Clerk's Salary and Expenses on a monthly basis</p>	<p>Chair and Vice Chair and members of the Finance Committee</p>	<ul style="list-style-type: none"><li>• A list of scheduled payments will be compiled once a month and circulated by email to the Chair, Vice Chair and 2 further members (preferably from the Finance Committee) along with associated evidence of expenditure</li><li>• The Chair, Vice-chair and 2 members will check invoices against payments and will confirm in writing (email or signed statement) that these checks have been made before authorising payment</li></ul>
<p>To draft a brief and seek quotations or tenders for urgent work, supplies or services (where tenders are required by the Council's Financial Regulations)</p>	<p>Chair and Vice-Chair</p>	<ul style="list-style-type: none"><li>• Produce a written report/discussion notes on the urgent work required</li><li>• Discuss with Chair and Vice-Chair in order to develop a brief</li><li>• Agree with the Chair and Vice-Chair if the brief require further consultation from members of the Council</li></ul>
<p>To accept quotations or tenders for urgent work, supplies or services (where tenders are required by the Council's Financial Regulations)</p>	<p>Chair and Vice-Chair</p>	<ul style="list-style-type: none"><li>• Compile summary of quotations/tenders received and send to Chair and Vice Chair by email</li><li>• Discuss quotations by telephone/online call to agree to whom the work be awarded, taking into account all the</li></ul>

		requirements of the Council's Financial Regulations being complied with
To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.	Chair and Vice-Chair	<ul style="list-style-type: none"> <li>• Compile a written report/consultation notes and circulate to the Chair and Vice-Chair by email, post or hand delivery</li> <li>• Discuss report by telephone/online call/email to agree a response</li> </ul>
To make all necessary arrangements for the Council's insurances.	Chair and/or Vice-Chair	<ul style="list-style-type: none"> <li>• Compile a written report/consultation notes and circulate to the Chair and Vice-Chair by email, post or hand delivery</li> <li>• Discuss report by telephone/online call/email to agree a response</li> </ul>
Complete quarterly bank reconciliation and budget reports	Chair and/or Vice Chair Two members of the finance committee	<ul style="list-style-type: none"> <li>• Compile quarterly budget report and bank reconciliation and circulate to the Chair, Vice Chair and the Finance Committee with the quarter's bank statements</li> <li>• Discuss report by email, telephone or online call with individual councillors in order to answer any questions</li> <li>• Receive written approval of the bank reconciliation (email or signed statement) and recommendation the bank reconciliation be signed</li> <li>• One member of the Finance Committee (not the Chair of the Parish Council) to sign the bank reconciliation with a wet signature</li> </ul>
<b>Management of volunteers (including councillors)</b>		
Authorise risk assessments for voluntary activity Authorise the provision of uniforms or protective clothing To authorise training in line with the Council's policies	Chair and Vice Chair	<ul style="list-style-type: none"> <li>• Compile written consultation notes and circulate to the Chair and Vice-Chair by email, post or hand delivery</li> <li>• discuss report by telephone/online call/email to agree a response</li> </ul>
<b>Statutory Consultation</b>		
Invitation to participate in consultation	Chair and Vice Chair	<ul style="list-style-type: none"> <li>• Provide written consultation notes for Chair and Vice-Chair and circulate by email</li> <li>• Discuss whether a formal response from the Parish Council is necessary and if so, agree wording, or not, consider</li> </ul>

		forwarding the invitation to individual Parish Councillors for their consideration
Respond to requests for recommendation on planning applications	All councillors  Chair and/or Vice Chair	<ul style="list-style-type: none"> <li>• Forward planning applications to Councillors with request for response, giving a deadline of 3 clear days for comment</li> <li>• Compile responses received and circulate back to councillors for any additional comments, giving a deadline of 3 clear days for comment</li> <li>• Discuss collated responses with the Chair or Vice Chair by email, phone or online call to agree a formal response</li> <li>• Should an application split opinion amongst councillors, or a large number of objections have been received from the public, consider holding a site meeting outdoors for further discussion</li> <li>• Should opinion be split and a site meeting not be possible, the Clerk in consultation with the chair and/or Vice Chair</li> </ul>
Respond to requests for recommendation on tree works or TPO's	Chair and/or Vice Chair	<ul style="list-style-type: none"> <li>• Forward planning applications Chair and Vice Chair</li> <li>• Seek comment from local tree wardens</li> <li>• Discuss with Chair and Vice Chair by email, phone or online call to consider a response. Agree if opinion should be sought from full council. If so, follow 'means of consultation' process described under 'respond to requests for recommendation on planning applications'</li> <li>• Discuss collated responses with the Chair or Vice Chair by email, phone or online call to agree a formal response</li> <li>• Should an application split opinion amongst councillors, or a large number of objections have been received from the public, consider holding a site meeting outdoors for further discussion</li> <li>• Should opinion be split and a site meeting not be possible, the Clerk, Chair and Vice Chair consider responding as 'undecided' and submitting a summary of councillor responses</li> </ul>