



Report for consideration and resolution at the extraordinary virtual meeting held by e-mail on Friday 27th March 2020; regarding setting up a Continuity Plan and Emergency Scheme of Delegation during the COVID-19 outbreak.

1. Review of Risk Assessments

Each section of this report has considered the risks to the council with regards to the day to day functioning of the council and its financiers through the period of the COVID-19 crisis. The risks will be continually assessed through this period and reviewed where required. Advice from the Cornwall Association of Local Councils (CALC) has been sought where appropriate and included in this report.

2. Services

We need to adopt a broad delegation system which will allow us to continue to operate outside of meetings until such time as advice changes.

This will involve more use of e-mail and the council's website as far as possible to debate and the gathering of public opinion.

The legislation allows for the council to delegate to an officer of the council.

3) Council meetings and Governance – The council is required as a minimum to meet once in May for a statutory annual meeting and at least three times during the year. As a council we will not have failed in this regard if we reduce or cancel a number of public meetings held during the coming months.

There is currently no power which allows for virtual meetings, skype or proxy voting. The public and press cannot be excluded unless deemed confidential. So matters such as planning, services, approval of minutes, payments of accounts etc. cannot be moved into a closed session. The National Association of Local Council's states (Dated 20.03.2020):-

The health and safety of councillors, staff and the public should be your primary concern. If local councils do follow government guidance on social distancing and social isolation and so they do not hold scheduled meetings, including annual council meetings, NALC's opinion is that the likelihood of a successful legal challenge is low.

We are expecting government guidance on holding meetings remotely early next week, and NALC will also produce further guidance next week. In the meantime, if local councils decide to not hold meetings and take decisions by email or other remote methods NALC feels it's likely that afterwards if there were a challenge that the courts will accept that exceptional times called for exceptional measures. In the absence of government guidance, we would suggest for now only taking decisions remotely for truly urgent issues. In this case, local councils should evidence their

decision making as best they can, for example by asking councillors to confirm their votes by email to the clerk for the clerk to keep as a record of the decision.

Due to the council already being inquorate to meet due to self-isolation (CALC) has advised the following in-line with NALC's information above as follows:

a. we prepare a paper which covers all of the different ways of working in the coming months – banking, finance and payment of accounts, planning, health and safety etc. As part of this document you can include suspending any standing order which is not in bold type in order to affect a temporary change to the way you do business. This can be done in email consultation with members of the council.

b. Once the paper has been drafted, get email agreement from members for a resolution which adopts the paper and scheme of delegation, agreeing that that this is the recommended way of working during the pandemic.

c. At the next meeting probably in May get the resolution ratified

The Annual meeting of the council takes place in May each year where being the first item on the agenda must be to elect the Chairman of the council for the year. Government has announced that it is considering bringing forward legislation which would allow a virtual meeting and we will wait for further advice on this.

The annual meeting of the electors is between March 1st and June 1st. Government may have to extend the time period of this.

4) Finance – The following payments can be made without approval of the council such as,

- salaries contractors and suppliers. As a failure to pay would be a breach of contract or the individual payment of a budgeted expense.
- Any other budgeted item such as approved grants, approved purchases, insurance and any other expenditure previously agreed.
- Any amount authorised by the Clerk within limits set by the Council's Financial Regulations.
- Any other payment unauthorised under the Emergency Delegation of Scheme. Nothing in this scheme of Delegation removes the council's obligations to carry out assurances as normal and should be recorded.

Many council's now use Internet banking and electronic payments. At the present we still rely on signed cheques and it is now recommended that we should reconsider the use of electronic payments. During this period we need to remove the need for face to face contact with cheque signatories. It will also remove the need for the payee to have to travel in order to cash the cheque and receive payment.

The council needs to review the amount delegated to the clerk in the Financial Regulations to ensure it is proportionate to its needs at this time. With the advice changing on a daily basis the council must ensure that the approved levels provide scope for the council to act as necessary.

To cover the risk and to conform to the 'Openness of Local Government Bodies Regulations 2014' the clerk will keep a record of decisions made under delegation, together with the relevant paperwork. This will be by a register or spreadsheet of the decisions taken, associated expenditure and the reasons for the decision together with any rationale. The clerk will keep a paper trail for the audit in the following year.

CALC's advice of payment of salaries/invoices during this time is as follows;

Internet Banking

A schedule of payments can still be circulated and approved by members of the council (as happens in the meeting). Many banking systems are able to print the list of payments to be made before they are paid so that members can see the actual amounts. Internet banking then allows the clerk to make the payments with the approval of members. As mandate signatures, councillors only sign cheques against resolution anyway and email circulation for approval still gives them the authority in these difficult times.

5) Staff – If the clerk or any employee is required to self-isolate and/or falls into the category of a vulnerable person the council should accept any reasonable request from their employee to self-isolate particularly in light of medical advice. The council will follow any government advice and existing staff contracts regarding salary and SSP.

The council have considered the risk to the council's street cleanser and it is felt that due to their duties being carried out in the open air and on their own, these duties can be carried out until any further restrictions are implemented by the government and/or the member is required to self-isolate.

The clerk works from home and is able to carry out the basic functions that are required to keep the council running. The clerk will also be responsible for communicating and coordinating a local help service for the community in conjunction with the St Erme Emergency Plan Committee and Cornwall Council.

In the event that the clerk is unable to continue due to health, then the council's mobile phone and relevant information will be passed to Cllr Hodgkinson as a member of both the Council and Emergency Plan Committee to continue coordinating the volunteers and work with Cornwall Council through this period. If this is not possible to another member of the council or unitary authority officer.

5) Planning- Cornwall Council have advised that they will be considering planning applications within the required deadline as they are responsible for determining planning applications within the statutory timescales and the Government has indicated that they wish this to continue.

Therefore I put forward that members follow CALC's recommendation as follows:

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- i) The clerk will advertise on the council's website links to all planning applications received from the planning authority on the council's website, offering the public the opportunity to let you know of any views. The notice

should give a deadline of 5 working days for public comments to the Clerk in writing.

At the same time the clerk will circulate the list with links to all members of the council on a weekly basis.

- ii) At the end of the public opportunity to comment, the clerk will forward a summary of the public comments received to all members for member comments for a period of a further 5 working days. Under GDPR, the clerk should not circulate individual responses without the writer's express permission. T
- iii) Under the Emergency Scheme of Delegation, the Clerk and appropriate members will agree a council response which identifies relevant material considerations and may give local information or opinion. The draft response is then shared with members for 2 days for any comments, before being sent to Cornwall Council with the following statement :

“Due to the restrictions placed on the council as a result of the pandemic Coronavirus, this response represents the opinion of members of St Erme Parish Council identified through a consultation process and will be ratified at the next appropriate meeting of the council. “

- iv) The Council's response can then be posted on the council's website.
- v) If the matter is referred back to the council under the 5 day protocol, the Emergency Scheme of Delegation will allow the clerk to take any appropriate action to respond on behalf of the council. As the council's opinion has not been gained through the normal public process, it may be prudent to simply reply that

‘due to the restrictions placed on the council as a result of the pandemic Coronavirus, it has been unable to consult further and therefore has nothing further to add’.

6) Grant Funding: The council are able to grant any organisation for the benefit of the community during this time. This would be through the LGA 1972 S137 monies and within the normal restrictions that apply to this Act.

We are able to establish a local emergency fund which could be used under the scheme of delegation to support local organisations such as food banks, shelters and volunteers during the coming months. This would allow the council to offer immediate support where the benefit to local residents could be established without the normal delays. Any monies can be paid from the council's reserves and will not exceed the LGA s137 expenditure restrictions of £8.12 per elector 2019/2020 and £8.32 per elector 2020/2021

Members have received and had the opportunity to read the report attached and the proposal put forward for the resolutions are as follows:

Members Resolve:-

- 1) That due to the current situation with the pandemic of Coronavirus all Standing Orders that are not in bold will be suspended, and to follow any new legislation that is put in place by the government during this time.*
- 2) Due to self-isolation and the council being inquorate virtual meetings will be carried out by e-mail during the pandemic of Coronavirus for when necessary for items not covered by the resolutions below.*
- 3) That the council delegates authority to the clerk in consultation with the Chairman and Vice-Chairman (or a second member of the council) to take any actions necessary with associated expenditure to protect the interests of the community and ensure council business continuity during the period of the pandemic Coronavirus, informed by consultation with the members of the council.*
- 4) That the council authorise the clerk to register to Lloyds for on-line banking as a single Full Access user of the council's accounts during the period of the pandemic Coronavirus. Any electronic payments will be authorised by a schedule of payments that will be circulated and approved by members of the council by e-mail.*
- 5) That the council will pay the Clerk their full salary for up to 6 months as per their contract and to revise the Street Cleaners contract for the period during the pandemic to full payment for up to 6 months in the event of sickness and self-isolation.*
- 6) That the clerk and council will follow the protocol laid out in the report to consider any planning applications as advised by the Planning Authority and the Cornwall Association of Local Council's*

End of Resolutions