

HOUGHTON PARISH COUNCIL

Scheme of Delegation Policy

1. Introduction

- 1.1. The Parish Council actively seeks to protect the Councillors, Volunteers and Staff working for and on behalf of the council and its activities. As such, and following any current Public Health England (PHE) and government guidelines, the following policy applies to any High Consequence Infectious Disease (HCID) as defined by PHE.
- 1.2. This policy sets out the general principles and approach that the Parish Council will follow in respect of a HCID outbreak in the United Kingdom with an imminent threat of infection in the Parish of Houghton.

2. Scope of the policy

- 2.1. The main areas of concern for the Parish Council with respect to HCIDs are:
 - Safety & Health of Councillors, Contractors, Staff, Volunteers and Members of Public.
 - Remaining an effective Council.

3. Activation of the policy

- 3.1. This policy is considered to be activated, when
 - There is an active outbreak of a HCID in the United Kingdom with an imminent threat of infection in the Parish of Houghton **and**
 - At least 3 councillors have requested its activation to the Chairman, and subsequently notified the clerk, or the Chairman plus 2 councillors have requested its activation to the Clerk, or its activation is resolved in a meeting of the Parish Council.

OR

 - The government of the United Kingdom suspends all public face to face meetings.

4. Deactivation of the policy

- 4.1. This policy is considered to be deactivated, when
 - When the imminent threat of infection in the Parish has passed **or**
 - A minimum of 3 councillors have requested public face to face meetings be recommenced **or**
 - The government of the United Kingdom reinstates all public face to face meetings.

5. Definition of High Consequence Infectious Disease

- 5.1. A HCID is defined as
 - acute infectious disease
 - typically has a high case-fatality rate
 - may not have effective prophylaxis or treatment
 - often difficult to recognise and detect rapidly
 - ability to spread in the community and within healthcare settings
 - requires an enhanced individual, population and system response to ensure it is managed effectively, efficiently and safely

- 5.2. The current list of HCIDs as defined on www.gov.uk (March 2020)

Contact HCID	Airborne HCID
Argentine haemorrhagic fever (Junin virus)	Andes virus infection (hantavirus)
Bolivian haemorrhagic fever (Machupo virus)	Avian influenza A H7N9 and H5N1

Crimean Congo haemorrhagic fever (CCHF)	Avian influenza A H5N6 and H7N7
Ebola virus disease (EVD)	Middle East respiratory syndrome (MERS)
Lassa fever	Monkeypox
Lujo virus disease	Nipah virus infection
Marburg virus disease (MVD)	Pneumonic plague (<i>Yersinia pestis</i>)
Severe fever with thrombocytopenia syndrome (SFTS)	Severe acute respiratory syndrome (SARS)*
	Coronavirus disease (COVID-19)

At any such time as a new disease is classified as a HCID, it shall be treated as if it were in the list above and this policy shall apply.

6. Matters relating to staff – The Clerk

- 6.1. Parish Council has no official office, as such the only employee, the Clerk and RFO, works from home. The public may only meet with the Clerk by appointment. During any active outbreak of a HCID in the UK, no appointments will be permitted. The Clerk will not come into contact with the public during working hours.
- 6.2. In the event of a HCID outbreak the National Joint Council for local government services (NJC) will issue guidance for employers which the council will follow. A summary of the most recent guidance during the COVID-19 outbreak of 2020 is detailed below
 - 6.2.1. Employees who are sick or unfit for work need to focus on their recovery.
 - 6.2.2. If an employee is fit for work but decides, or is instructed, to self-isolate, their absence should not be recorded as sickness absence. We would expect all options for home or remote working to be explored with the employee. As they 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 any such HCID, at which point they transfer to sickness absence leave and the usual provisions of the sickness scheme will apply.
 - 6.2.3. In circumstances where an employee decides to self-isolate without instruction from the authorities it is not unreasonable for the employer to ask for some evidence such as an email from a holiday operator that shows the dates of the holiday, the resort location and flight details. However, it will probably not be possible in all cases for an employee to produce any evidence, so employers will need to use their discretion when trying to establish the facts behind the employee's decision to self-isolate
 - 6.2.4. If an employee is caring for someone who has or may have coronavirus, 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.
 - 6.2.5. 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 dependants or taking time off, whether this is special leave, annual leave or flexible working.

7. Public Meetings

- 7.1. 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.

7.2. Due to the nature of local government and considering the Councillors and Members of Public who attend meetings, there is high percentage of attendees who would be considered “high risk” with respect to all of the HCIDs listed in Section 5.2. As such, to protect the health of all attendees, public face to face meetings are suspended during the active period of this policy and are carried out using virtual means.

8. Delegated Authority

S101 delegation of powers

s101 of the 1972 LGA, provides for delegating authority to the Clerk for making decisions on behalf of the council as and when appropriate. S101 requires formally agreed Terms of Reference by the Council. It needs to be based in Terms of Reference that sets out the key themes of the delegation and the financial thresholds that apply.

This scheme of delegation is a temporary measure to facilitate effective decision making whilst the COVID-19 restrictions are in place. It allows the Clerk to take on the executive role during this time.

Delegation of Power

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise Powers that have been delegated.

Any delegation to the Proper Officer shall be exercised in compliance with the Council’s Standing Orders, any other policies or conditions imposed by the Council and within the law.

In an emergency the Proper Officer is empowered to carry out any function of the Council.

Where the Proper Officer is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult a minimum of two Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

The following items may not be delegated to the Clerk:

- To appoint the Chairman and Vice-Chairman in May each year
- To sign off the Governance Statement by 30th June each year
- To set the precept
- To appoint the Head of Paid Service (Clerk)
- To make byelaws
- To borrow money
- To consider any matter required by law to be considered by Council.

To the Proper Officer LGA 1972 s101

The Council's Scheme of Delegation authorises the Clerk to the Council to act with delegated authority in the specific circumstances detailed:

To take action:

1. To take action on any issue that cannot wait until the next Parish Council meeting; as a temporary measure the Proper Officer is empowered to take any and all decisions that would normally be taken by Full Council, or a committee or a working group, having consulted a minimum of two Members. Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email.
2. If circumstances do not permit the input of at least two councillors, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.

Financial thresholds:

3. To authorise expenditure on items where the Council has previously approved the budget to a maximum of £3,000 per transaction having consulted a minimum of two Members and the Chairman, or to a higher level where the Council has agreed & minuted the expenditure at a prior meeting. For the avoidance of doubt, this includes any payments that will be overdue before the next scheduled Council Meeting or where discounts may be lost to the Council; to include normal salaries and all items specifically budgeted for, contracted for or expenditure previously agreed by Council at a meeting.
4. To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work or essential project which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000.00 per transaction, having consulted the Chairman and taken on board his views.
5. To take any action regarding minor repairs or purchases (up to a cost of £500.00 per transaction) having consulted the Chairman and taken on board his views.

Planning Matters:

6. Planning applications will be received by the Clerk and responses determined by the Clerk following consultation with a minimum of two Members.

Delegation Limitations, Record keeping & Reporting:

7. Records will be kept demonstrating a clear trail (particularly around decision making in any form).
8. All decisions will be reported and ratified at the next available Full Council Meeting.
9. Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations and legislation.

Review of the policy

This policy was approved and adopted by the Parish Council at its meeting on 4th May 2021, Item 12, and will be reviewed annually or earlier if relevant legislation changes.