

COMMUNITIES SCRUTINY PANEL

DATE	04/06/2020
REPORT OF	Simon D Jones Chief Legal and Monitoring Officer
SUBJECT	COVID-19: Emergency Governance and Decisions
STATUS	Update

CONTRIBUTION TO OUR AIMS

The occurrence of the global COVID-19 crisis is well known and will not be rehearsed here. The Council has acted in accordance with its statutory duties as a Category 1 responder and marshalled its resources in such a way as to respond to the crisis. This has seen a sea change in Council priorities and deployment of its workforce. Swift and decisive action, taken within the scope of an emergency decision framework, has assisted in ensuring that North East Lincolnshire has suffered some of the lowest numbers of COVID-19 cases in the country.

Because of the Council's stated strategic aims of Stronger Economy and Stronger Communities there has been a tangible galvanisation of these commitments through a dedicated workforce across the Council and Clinical Commissioning Group coming together through the Union. This together with robust partnership working with key partners and stakeholders across the business, voluntary and community sectors has placed the borough in as strong a position as possible going forward.

EXECUTIVE SUMMARY

The Panel has the Constitutional remit to deal with issues arising from the Civil Contingencies Act 2004 and emergency planning per se. This report seeks to update the panel as to the emergency governance framework put in place and the range of emergency decisions taken within that framework to respond to the COVID-19 crisis.

MATTER(S) FOR CONSIDERATION

It is recommended that the Panel:

1. Endorse the scope and implementation of the emergency framework.
2. Receive and note the emergency decisions taken within that framework.

1. BACKGROUND AND ISSUES

In formulating an emergency response and appropriate governance framework, the Council is able to rely on a number of statutory and constitutional provisions.

Statutory Provisions:

The Localism Act 2011 contains a general power of competence for the Council in

that the Council is permitted to do everything an individual (be it a private or corporate individual) may do unless another statutory provision restricts the Council.

The Civil Contingencies Act 2004 sets out a framework for emergency planning and response where an event or situation exists which threatens serious damage to human welfare. This damage may manifest itself as:

- human illness or injury;
- disruption of a supply of money, food, water, energy or fuel;
- disruption of a system of communication;
- disruption of facilities for transport; or
- disruption of services relating to health.

The list is not exhaustive.

Clearly, the advent of COVID-19 falls within the above definition.

In responding, the 2004 Act places statutory obligations on the Council to plan for and respond to emergencies generally, support the creation of a local resilience forum, to be a Category 1 responder (along with blue light services) and be at the core of an emergency response.

In addition to the above, a key piece of legislation is s138 Local Government Act 1972.

This legislation states that:

“Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a principal council are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the council may—

a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and

(b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.”

This is an enabling piece of legislation conferring upon the Council the widest discretion in meeting any emergency.

Constitutional Provisions:

The Constitution carries a number of provisions the Council is able to take advantage of in responding to an emergency. The application of the Constitution is subject to the law (which as can be seen from the above is enabling and has a very wide application) and with regard to the stated purposes of the Constitution which, amongst others includes:

“[to] enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;”

Responsibilities and obligations constitutionally delegated to officers are a key consideration.

“All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions”.

This provision (against the landscape of reacting to an emergency) permits Directors to redeploy the resources at their disposal to enable support to an emergency response.

The Chief Executive of the Council enjoys the following delegation:

to exercise all Council responsibilities in respect of civil contingencies and emergency planning subject to prevailing legislation, such responsibilities to be delegated to such officer(s) as the Chief Executive considers appropriate, from time to time.

And in his absence the Deputy Chief Executive can:

“exercise all powers delegated to the Chief Executive, (as set out above)”.

Therefore, to formally acknowledge that the Council was entering into an emergency response phase and to invoke emergency powers, the Chief Executive signed the Memorandum and Delegation set out at Appendix 1 of this report. This document also set out a hierarchical set of delegations should the Chief Executive be absent or incapacitated for any reason.

The Chief Executive dictated that all decisions taken within the emergency framework be in consultation with the Leader of the Council and Portfolio Holder for Finance and Resources.

Due to the nature of the COVID crisis and the need for social distancing and effective lockdown, all Council committee meetings at all levels were cancelled.

Again, the Constitution fills any decision making gaps in that it provides for decision making by the Chief Executive and Directors whilst such committees are in recess. The Monitoring Officer took the view that “recess” would cover any period howsoever arising. This position lent further weight to the emergency framework put in place:

“Subject to the provisions of the Constitution and any statutory provision reserving a decision on any matter to the Council, Cabinet or a Committee, the Chief Executive, all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess”.

Such decision making at officer level is caveated in that all such decisions must be in accordance with:

- *Budget and Policy Framework*
- *Forward Plan (or the general exception or special urgency provisions are satisfied); and*
- *In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with*
 - *the Chairman or, in his/her absence, the Deputy Chairman;*
 - *and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee;*
 - *In the case of all Executive (Cabinet) matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet. The Monitoring Officer and Section 151 Officer should also be consulted in respect of the proposed decision*

Insofar as the Clinical Commissioning Group is concerned, members will note that the Memorandum and Delegation at Annex 1 includes reference to the emergency powers reserved to the Council of Members and Governing Body. In the event of any need to consult the Chief Executive, then during any absence delegations were made to the CCG Chief Operating Officer and then to the Chief Finance Officer, both of whom were required to consult with the Accountable Officer.

Any emergency decisions taken by the CCG are beyond the scope of this report.

To assist and support the emergency framework an Emergency Officer Decision Record was used to capture all relevant decisions.

Again, due to the nature of the COVID crisis and the need for social distancing and lockdown, confirmatory emails were accepted rather than signatures to the record. The emergency officer decision record was completed on the basis that once circumstances permitted all such decisions would be referred to this panel.

The process for a decision to be made, once monitored by appropriate officers was that the Chair of this panel was engaged to seek consent to treat the subject matter as one of urgency, so complying with the special urgency provisions referenced above. Upon consent being given the decision record was submitted to the Chief Executive who then engaged with the Leader of the Council and Portfolio Holder for Finance and Resources.

Once made all decisions (with supporting email threads) were published on the Council's website at:

<https://www.nelincs.gov.uk/councillors-and-democracy/decision-making/emergency-officer-decisions/>

All such decisions are repeated at Appendix 2 of this report.

The panel is invited to receive and note the decisions as per the recommendations above.

2. RISKS AND OPPORTUNITIES

The risks countenanced by the Chief Legal and Monitoring Officer are around whether or not the emergency decision making framework is robust. However, decisions are made at the highest officer level and in consultation with the Leader of the Council and Portfolio Holder for Finance and Resources, thereby giving the decisions both officer and democratic support. All decisions followed the emergency decision making framework and were made in the knowledge that they would be published and appropriately scrutinised. The emergency framework itself is in accordance with established constitutional provisions and statute. The Chief Legal and Monitoring Officer feels that risks around governance have been fully mitigated and that the process and framework described above is as robust as it possibly can be.

3. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

Clearly, in responding to the COVID crisis the Council must ensure that its decision-making functions are appropriate, transparent and follow accepted governance principles.

4. FINANCIAL CONSIDERATIONS

There are no financial considerations arising from this report itself. Financial implications for each emergency decision made have been captured in the individual decision records.

5. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no such implications arising from this report.

6. MONITORING COMMENTS

In the opinion of the author, this report does not contain recommended changes to policy or resources (people, finance or physical assets). As a result no monitoring comments have been sought from the Council's Section 151 Officer (Director of Finance) or Strategic Workforce Lead.

7. WARD IMPLICATIONS

All wards.

8. BACKGROUND PAPERS

None.

9. CONTACT OFFICER(S)

Simon D Jones. Chief Legal and Monitoring Officer.

Simon D Jones
Chief Legal and Monitoring Officer

APPENDIX 1

**MEMORANDUM AND DELEGATION SIGNED BY CHIEF
EXECUTIVE.**

NORTH EAST LINCOLNSHIRE COUNCIL

NORTH EAST LINCOLNSHIRE CLINICAL COMMISSIONING GROUP

MEMORANDUM FROM THE OFFICE OF THE JOINT CHIEF EXECUTIVE:

I Robert G. Walsh, Joint Chief Executive of North East Lincolnshire Council ("the Council") and North East Lincolnshire Clinical Commissioning Group ("the CCG") do on the date of this memorandum have reasonable cause to suspect that the escalation of the coronavirus (or COVID-19) has become such so as to warrant the exercise of powers by virtue of **s138 Local Government Act 1972**¹

By virtue of the Council's Constitution I have delegated authority to:

exercise all Council responsibilities in respect of civil contingencies and emergency planning subject to prevailing legislation, such responsibilities to be delegated to such officer(s) as the Chief Executive considers appropriate, from time to time.

My **Deputy Chief Executive** has the delegation:

In the absence of the Chief Executive, to exercise all powers delegated to the Chief Executive, as set out above.

In the absence of the Deputy Chief Executive (for whatever reason and for whatever period) I hereby further delegate the above responsibilities to:

Director of Resources and Governance who shall act in consultation with the **Chief Legal and Monitoring Officer** (or his deputy). In the absence of the Director of Resources and Governance (for whatever reason and for whatever period) then in her stead and in the following order of priority I hereby delegate the above responsibilities to:

Director for Communities (in consultation with the Chief Legal and Monitoring Officer or his deputy);

The Chief Legal and Monitoring Officer.

I direct that any emergency decisions made by any officer during this period shall be in consultation with the Leader and Portfolio Holder for Finance and Resources, or in the case of their absence their nominee.

¹ Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a principal council are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the council may—

(a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and

(b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

Insofar as the CCG is concerned the taking of emergency decisions is reserved to the Council of Members and Governing Body². In the event of any requirement to consult with the Chief Executive then to the greatest extent permitted by the CCG Constitution and the law I hereby delegate my powers and duties during any period of my absence to:

Chief Operating Officer or in her absence (for whatever reason and for whatever period) to the **Chief Finance Officer** both of whom shall act in consultation with the CCG **Accountable Officer**

Acknowledging that:

The powers which the Governing Body has reserved to itself within these Standing Orders³ may in emergency or for an urgent decision be exercised by the Accountable Officer and the Lay Chair. The exercise of such powers by the Accountable Officer and/or Lay Chair shall be reported to the next formal meeting of the Governing Body in public session for formal ratification.

Signed

Robert G Walsh

Joint Chief Executive North East Lincolnshire Council and
North East Lincolnshire Clinical Commissioning Group

Dated

2020

² Emergency powers and urgent decisions: Council of Members, Governing Body

3.9.1 The chair or (in the absence of the chair) the vice chair may call an emergency meeting or request an emergency decision from members as and when they deem it to be necessary, providing that a minimum of 5 working days' notice is provided and quoracy for decision making can be achieved.

3.9.2 The chair (or in the absence of the chair, the vice chair) shall have authority to take Chairman's action i.e. take a decision on behalf of the meeting membership in the event that an urgent decision is required in circumstances where it is not practical or reasonable to call a meeting or reach a decision through the normal routes. All such decisions shall be reported to the members as soon as practicable, and shall be recorded in the minutes of the next available meeting.

³ Of the CCG Constitution



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

Former Cambridge Park Care Home, Peterhouse Road, Grimsby, DN34 5UX

The requirement to undertake essential building works to a former (vacant) care home to enable 60 beds to be available for use as a step-down facility as patients are discharged from hospital after being diagnosed and treated for the Coronavirus (Covid-19).

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

2. Is it a Key Decision as defined in the Constitution?

Yes

- in the case of capital expenditure, the capital expenditure is in excess of £350,000;
- the decision is likely to result in substantial public interest;
- the decision may incur a significant social, economic or environmental impact.

3. Details of Decision
The former Care Home premises have been acquired by the Care Plus Group, a local health and care provider commissioned via the Council's section 75 arrangements, to deliver community health and care services. In the wake of the Coronavirus, the premises have been identified as a 60-bed step-down site to ease the requirement of hospital beds for treating patients diagnosed with the virus and thus alleviating capacity.
4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.
Yes – in order to meet very tight timescales, a decision is required to order the necessary resources in order to complete works to allow the premises to be occupied.
5. Anticipated outcome(s)
That investment of c£590,000 (plus fees @ 13% £76,700) will be made into the premises to allow its use for 60 patients being treated for the Coronavirus (Covid-19) following hospital discharge.
6. Details of any alternative options considered and rejected by the officer when making the decision
Given the time restrictions, and requirement to urgently respond to a growing need, no other sites have been considered for this purpose.
7. Background documents considered
Works specification and pricing schedule (Appendix One)
8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons
No.
9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)
None.
10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)
<p>All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.</p> <p>Constitutionally where there is an urgent need or where there is a recess in meetings (in my view, howsoever arising) the Chief Executive and all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee</p>

decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

- (i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)
- (ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and
- (iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.
- (iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision.

The Chief Executive has directed that all decisions made in the above circumstances shall be in consultation with the Leader and Portfolio Holder for Finance and Resources (where available)

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

S138 of the Local Government Act 1972 permits the Council to incur this expenditure. The expenditure will alleviate the potential effects of the Covid-19 virus within the local community.

The expenditure will be funded through borrowing in the first instance. The Government has indicated that the Council will be fully funded for implementing measures to tackle the coronavirus pandemic. As such, a proper record of any spend incurred should be maintained.

12. Human Resource Comments (Head of People and Culture or nominee)

There are no direct HR implications contained within this ODR.

13. Risk Assessment (in accordance with the Report Writing Guide)

The facility will be necessary to relieve pressure on the acute health system and ensure that residential care occupants where practicable are shielded from the risk of infection. The facility was envisaged to be part of the wider system improvements across health and care by providing additional intermediate services, prior to people being able to be discharged to their own homes. The specification for the works has been limited to the immediate requirements for the Covid19 response and at a later date will have to be revisited.

14. Decision Makers:

In the absence of the named Director or Delegatee a confirmatory email which is annexed to this record

Name: Robert G Walsh

Title: Joint Chief Executive

	<p>Signed: Robert G Walsh</p> <p>Dated: 25/03/2020</p> <p>Name: Beverley Compton</p> <p>Title: Director of Adult Services</p> <p>Signed: Beverly Compton</p> <p>Dated: 27/03/2020</p>
<p>15. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance and Resources (Cllr Shreeve):</p>	<p>Signed: Cllr Philip Jackson</p> <p>Dated: 25/03/2020</p> <p>Signed: Cllr Stan Shreeve</p> <p>Dated: 25/03/2020</p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p> <p><i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i></p>	<p>Name: Cllr Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: Cllr Paul Silvester</p> <p>Dated: 25/03/2020</p>

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

Appendix One - Works specification and pricing schedule

Cambridge Park Nursing Home - Pricing Schedule 2020				
Serial	ELECTRICAL WORK		Comments	Clients Instruction
1	100% Electrical Testing - Full Site	£9,562.50	Required	Yes
2	100% Emergency Lighting Replacement if required Test first	£168.75	Required	Yes
3	Emergency light remedial 38 No bulkheads to be replaced & remedial	£2,221.88	Required	further 6-10k could be required on Cat 2
4	Replace the existing fire detection system with new addressable system	£47,250.00	Recommended and would replace the need to undertake the test of the existing	Yes
5	Replace broken door closures with New Fireco - Freedor Pro Fire activated door closures 10%	£22,387.50	Required	Yes
6	Service and repair if possible existing Nurse call and replace with new Nurse call System where required	£33,750.00	Required	Yes
7	Investigate / service and repair existing Electric heating system and controls. Replace as required	£3,234.38	Required	Yes

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8	following test of existing system, it has been identified a new heating system is required	£29,767.50		yes
9	Install new electrical supply's to serve to sterilisation. NHS to provide units (Would like to have)	£5,737.50	Optional	Yes
	Additional Air Sterile supplies.	£2,469.38		yes
10	Replace any damaged light fitting for new	£21,965.63	Required	Yes
11	Install new Door Access system and CCTV, to include all power supplies	£15,525.00	Required	Yes
12	ICT Data system through NHS Specialist(Virgin) (Wont be achieved in Two weeks)if we use existing BT it could be possible - NHS Responsibility	£0.00	Required to be instructed from ICT	
13	Install hearing loop to main reception (Non essential)	£225.00	Optional	
14	Install additional power supplies for pan washers, insectorcutors, door access equipment, CCTV	£2,812.50	Required	Yes
15	Ventilation System - Investigation / repair / servicing.	£2,812.50	Required	Yes
16	Relamp and get operational all corridor and lounge wall light fittings.	£534.38		

17	Corridor lighting controlled via remote PIR sensors.	£403.88		
18	Removal and make good Panic Alarm System.	£781.88		
	Total Electrical:	£201,610.13		

MECHANICAL WORK

16	Carry out gas testing on the installation	£0.00	Required	Yes
17	DHW System - Replacement of 1no existing faulty Andrews water heater (ordered by NHS)	£0.00	Required	Yes
18	DHW System - Servicing of all associated equipment and controls	£0.00	Required	Yes
19	Ensure integrity of secondary return	£0.00	Required	Yes
20	Supply and install TMV's to all hot water services within the bedrooms and communal areas.	£0.00	Required	Yes
21	Penny isolation valves to be installed to serve all taps and TMV outlets throughout	£0.00	Required	Yes
22	Replace where required existing sink taps and wastes throughout to standard leaver taps remove all steel braded pipe work and install in solid copper	£0.00	Required	Yes

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23	Replace where required ball valves and flush handles along with seats to all toilets throughout the property. Clean toilet pans where required.	£0.00	Required	Yes
24	Service all existing shower valves throughout	£0.00	Required	Yes
25	Communal Bathrooms x1 - full refurbishment of sink / toilet and bath to match existing on site / Full DOC M Pack	£0.00	Required	Yes
26	Communal Bathroom x 3 - New bath panels for existing baths	£0.00	Required	Yes
27	Water Hygiene full site Risk Assessment including remedial works	£0.00	Required	Yes
28	Sluice Rooms x 4 supply and install Sluice sinks and bed pan washer	£33,750.00	Required	Yes
29	Remove redundant Laundry Equipment / supplies	£0.00	Required	Yes
30	Kitchen and first floor servery room Catering Equipment - Allow for full servicing and repairs of all catering equipment and hot and cold water supplies	£6,148.98	Required	Yes
31	High-level Environmental deep clean of all surfaces and extraction equipment	£3,804.30	Required	Yes

	Replacement of 6 burner oven - existing was beyond economic repair	£2,205.54	Required	Yes	
32	Commercial Fridge Freezers (to replace existing domestic units)	£4,798.26	Optional	Yes	
33	Supply and install 2no insectorcutors	£435.08	Required	Yes	
34	Carry out LG10 inspection to passenger lift and dumb waiter.	Captured below	Required	Yes	
35	Lift pit requires re-tanking as it is full of surface water (ground up not top down)	£5,430.39	Required	Yes	
	Grouped Mechanical Cost (Items 16 to 29, exempt item 28)- not including lift and kitchen as these are priced separate	£87,465.38			
	Sub Total Mechanical	£144,037.92			
BUILDERS WORKS					
36	Painting & Decorating	£61,875.00	Required	Yes	
37	Flooring	£37,125.00	Required	Yes	
38	100% Chemical Deep Clean Throughout	£18,931.57	Required	Yes	saving
39	Blinds	£24,750.00	Required	Yes	

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40	New front door	£3,937.50	Required	Yes
41	Ironmongery / Doors / removal of fixtures and fittings required / associated works	£30,000	Required	Yes
	Additional works following building control and fire service visit to fire compartmentalisation	£50,000		
	Roof Repairs following investigation lead has been stolen	£1,440.00		
	Replace damaged ceiling tiles to kitchen - half hour fire	?		
	Sub Total Fabric	£228,059		
42	Prelims Costs £4000 per week	£8,000	Required	Yes
43	Provisional Sum			
	Mechanical	3000		Yes
	Electrical	2500		Yes
	Fabric	3000		Yes
	Provisional sum total	8500		
	Total	£590,207		

Appendix Two – email confirmation of approval

Rob Walsh – Chief Executive

From: Rob Walsh (NELC)
Sent: 25 March 2020 11:23
To: Sharon Wroot (NELC)
Subject: RE: URGENT ODR - approval of funds - Cambridge Park Care Home

Full support Sharon, go to Leader / PFH next.

Ta

From: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>
Sent: 25 March 2020 11:21
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Subject: FW: URGENT ODR - approval of funds - Cambridge Park Care Home

Rob

I need the email approval of yourself, the Leader and Finance PFH for the attached urgent interim payment to allow us to proceed with the works to Cambridge Park – this is to secure supplies and services, which are mainly local.
Sharon

Sharon Wroot, Director of Resources & Governance, North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
Telephone 01472 324423 Mobile 07768553669

Bev Compton – Director of Adult Services

From: COMPTON, Beverley (NHS NORTH EAST LINCOLNSHIRE CCG) <beverley.compton@nhs.net>
Sent: 27 March 2020 13:37
To: Jack Fox (NELC) <Jack.Fox@nelincs.gov.uk>; JOBLING, Julie (NHS NORTH EAST LINCOLNSHIRE CCG) <julie.jobling@nhs.net>; Cllr Margaret Cracknell (NELC) <Margaret.Cracknell@nelincs.gov.uk>; Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Cc: MCVEIGH, Nicola (NHS NORTH EAST LINCOLNSHIRE CCG) <nicola.mcveigh1@nhs.net>; Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Subject: 200323-Emergency Officer Decision Notice MO1 (Cambridge Park Care Home) - draft v1.docx

Dear all,

Please find attached the ODR in relation to Cambridge Park. This is a KEY decision,

Bev

Leader of the Council - Cllr Philip Jackson

From: Cllr Philip Jackson (NELC)
Sent: 25 March 2020 12:17
To: Cllr Stanley Shreeve (NELC); Sharon Wroot (NELC)
Subject: RE: URGENT ODR - approval of funds - Cambridge Park Care Home

Happy to support, too.

Kind regards

Councillor Philip Jackson
Leader of North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
Email: Philip.jackson@nelincs.gov.uk
Office: 01472 325905
Alternative: 01472 823740

Portfolio Holder - Cllr Stanley Shreeve

From: "Cllr Stanley Shreeve (NELC)" <Stanley.Shreeve@Nelincs.gov.uk>
Date: 25 Mar 2020 12:16
Subject: RE: URGENT ODR - approval of funds - Cambridge Park Care Home
To: "Sharon Wroot (NELC)" <Sharon.Wroot@nelincs.gov.uk>, "Cllr Philip Jackson (NELC)" <philip.jackson@nelincs.gov.uk>
Cc:

Happy to support ,

Sorry for the delay in responding, was out taking my daily exercise!

Cllr Stan Shreeve

Portfolio Holder Finance and Resources
Ward Councillor for Humberston and New Waltham
North East Lincolnshire Council
Email: stanley.shreeve@nelincs.gov.uk
Tel: 07702 343340

From: Sharon Wroot (NELC)
Sent: 25 March 2020 11:29
To: Cllr Philip Jackson (NELC); Cllr Stanley Shreeve (NELC)
Subject: FW: URGENT ODR - approval of funds - Cambridge Park Care Home

Good morning

You'll be aware of the work currently underway to bring back the 60 bed facility at Cambridge Park into use, for step down care. I need your approval urgently to make an interim payment to allow us to secure supplies and services, many of which are local, this will allow work to progress at pace.

Rob has already emailed his approval, an email confirming your approval will suffice under current arrangements

Thanks in advance

Sharon

Sharon Wroot, Director of Resources & Governance, North East Lincolnshire Council

Municipal Offices, Town Hall Square, Grimsby, DN31 1HU

Telephone 01472 324423 Mobile 07768553669

sharon.wroot@nelincs.gov.uk | www.nelincs.gov.uk

Communities Scrutiny Chair – Cllr Silvester

From: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Sent: 26 March 2020 17:48
To: Jack Fox (NELC) <Jack.Fox@nelincs.gov.uk>
Subject: RE: URGENT ODR - approval of funds - Cambridge Park Care Home

Good evening Jack

This is an excellent move and has my full support in these difficult times

Kind regards

Paul

From: Jack Fox (NELC)
Sent: 25 March 2020 15:23
To: Cllr Paul Silvester (NELC)
Subject: RE: URGENT ODR - approval of funds - Cambridge Park Care Home
Importance: High

Good Afternoon Cllr Silvester

As Chair of the Communities Scrutiny Panel, I am required to approach you for your agreement to an urgent decision being proposed, as set out in the attached Officer Decision record (ODR).

Sharon Wroot has obtained agreement from Rob Walsh and Cllr Shreeve as Portfolio Holder and the ODR has also been sent to the Leader for agreement.

If you could please consider the attached and provide your response via email please as soon as possible.

Regards

Jack Fox, Assets Advanced Practitioner (Corporate) and Project Manager, Greater Grimsby Town Deal (and Municipal Offices Responsible Person)
Assets, North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU
01472 323388 | 07730 014287 | jack.fox@nelincs.gov.uk | www.nelincs.gov.uk



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

2. Is it a Key Decision as defined in the Constitution?

Yes

3. Details of Decision

1. Minimum cash balance increased to £15m (excl. Business Support Grant payments) – Rationale added buffer to support expected payment volatility. Keeps temporary cash of Business Support Grant segregated from 'Council' funds.
2. Short-term borrowing (up to 3 month max) to be taken as required up to 2020/21 CFR figure (£209m). Rationale - This ensures maximum flexibility within Pls but crucially allows for position to be unwound with 3 months if environment stabilises (through repayments)
3. This cap to be reduced by a like amount if we succeed in drawing £20m from Nomura/PPF and/or take 1y PWLB if LA market continues to be dysfunctional.

Rationale – ensures access to funding without double counting of internal borrowing position

4. Position to be reviewed at end April. Rationale – added flexibility should have added oversight.

Our Authorised Borrowing Limit for 2020-21 is £280m, the Operational Boundary is £240m. As current borrowing is £147m neither are breached as a result of this decision. Our variable rate limit is 60% (£88m) of which we have used £28m (all borrowing less than 12months being classed as variable rate). The S151 Officer can therefore approve this tranche of borrowing.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes

5. Anticipated outcome(s)

Increase in resilience and retention of ability to be flexible in arrangements as identified above.

6. Details of any alternative options considered and rejected by the officer when making the decision

See annex for briefing to support the above decisions.

7. Background documents considered

Annex

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

Constitutionally the Section 151 Officer has responsibility for the conduct of the Council's financial affairs and matters of treasury management.

The Chief Executive has directed that all decisions made in the above circumstances shall be in consultation with the Leader and Portfolio Holder for Finance and Resources (where available)

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The Council's normal Treasury management Strategy and policies have had to be adapted in response to the impact that the coronavirus pandemic has had on the income and expenditure profiles. Once the position has stabilised the position will be reviewed.

12. Human Resource Comments (Head of People and Culture or nominee)

None

13. Risk Assessment (in accordance with the Report Writing Guide)

See annex

14. Decision Maker(s): <i>In in the absence of the named Director or Delegatee a confirmatory email which is annexed to this record</i>	Name: Robert G Walsh Title: Joint Chief Executive Officer Signed: Robert G Walsh Dated: 6 th April 2020
15. Consultation carried out with Leader: Portfolio Holder for Finance and Resources (Cllr Shreeve)	Signed: Cllr Philip Jackson Dated: 3 rd April 2020 Signed: Cllr Stan Shreeve Dated: 3 rd April 2020
16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor <i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i>	Name: Cllr Paul Silvester Title: Chair of the Communities Scrutiny Panel Signed: Cllr Paul Silvester Dated: 2 nd April 2020

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

Appendix 1 - Copy of email confirmation

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 06 April 2020 10:42
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Take it as read.thanks.

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 03 April 2020 17:11
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

The email thread below reflects:

1. Consent to urgency by Scrutiny Chair;
2. Consultation with PFH Finance and Resources;
3. Consultation with Leader.

You are the decision maker.

Having complied with the emergency governance framework I will need either an electronic signature on each Emergency ODR or (preferably) an email from you confirming that as decision maker all attached decisions, being:

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;
4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

are deemed made and completed.

I will then forward to Democratic Services.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk|

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 03 April 2020 13:46
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

I'm content to sign these off, too, though share the concerns voiced by Stan Shreeve.

Kind regards

Councillor Philip Jackson
Leader of North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
Email: Philip.jackson@nelincs.gov.uk
Office: 01472 325905
Alternative: 01472 823740

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 03 April 2020 13:32
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Good afternoon,

Attached are signed decision notices as forwarded this morning.
I have signed all as requested, but can I put on record my disquiet with the ASC measures which are many and seem to be blanket covering just about everything, with no financial impact assessment at present. Please keep these closely under review as the situation develops and close down where possible.

Cllr Stan Shreeve
Portfolio Holder Finance and Resources
Ward Councillor for Humberston and New Waltham
North East Lincolnshire Council
Email: stanley.shreeve@nelince.gov.uk
Tel: 07702 343340

From: Rob Walsh (NELC)
Sent: 03 April 2020 11:43
To: Cllr Philip Jackson (NELC); Cllr Stanley Shreeve (NELC)
Cc: Sharon Wroot (NELC); Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Subject: Emergency Decisions

Importance: High

Philip / Stan

Here is a suite of delegated emergency decisions for your perusal and sign off. In each instance officers have consider all relevant issues and risks and I , with your support, seek authority to formally sign them off for the record.

This is going to become a system / process that will iterate over the coming weeks / months.

For transparency, the full governance trail is set out below.

Rgs

Rob

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 02 April 2020 13:45
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

I have this morning received confirmation from the Communities Scrutiny Chair, Cllr Silvester, as to his consent to the attached decisions. Below.

You are now able to brief Leader and Portfolio Holder for Finance and Resources in accordance with the emergency framework of governance implemented as a result of the COVID-19 emergency.

Confirmatory emails from yourself and Members are sufficient in that scheme to evidence the decision.

Upon completion the decisions and supporting email threads will be subject to publication.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk

From: PAUL SILVESTER
Sent: 02 April 2020 11:54
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good morning Simon

I have read all of the emergency decision notices and my response as Chair of the Communities Scrutiny panel is as follows

1. Adult Social Care (ASC) decisions; - consent
2. DoL's (Deprivation of Liberties); - consent
3. Economy and Growth Schedule of decisions; - consent
4. Finance and Treasury Management; - consent
5. Immingham Community Recycling Centre (CRC). - consent

Kind regards
Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 01 April 2020 19:04
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions
Importance: High

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record.

Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are "special urgency" provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;

4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

I would suggest that in your response to simply state:

1. Consent/Don't consent;
2. Consent/Don't consent.....etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk

Borrowing Decision Record

Current Borrowing (27.03.2020)

Lender	Amount £'m	% of Total
PWLB	77.9	53.0

Market	41.0	27.9
Local Authority	28.0	19.0
LGA Bond	N/A	-
Other	0.2	0.1
TOTAL	147.1	100.0

Structure

Type	Amount £'m	% of Total
Fixed Rate (Maturity) incl LOBOs	91.2	62.0
Fixed Rate (EIP)	5.3	3.6
Fixed Rate (Annuity)	20.1	13.7
Variable Rate (Maturity)	28.1	19.1
Variable Rate (Annuity)	2.4	1.6
SUB-TOTAL	147.1	100.0
Less Fixed Rate Investments (hedge falling rates)	0.0	
Less Variable Rate Investments (hedge rising rates)	-36.8	
NET TOTAL	110.3	

This notice is drafted against a background of unprecedented uncertainty brought on by the Coronavirus (Covid-19) global pandemic, on top of trade war and oil price economic factors.

It is important to provide some examples of how that uncertainty has manifested itself in financial markets generally and LA space specifically to give context to any review in years to come.

These would include:-

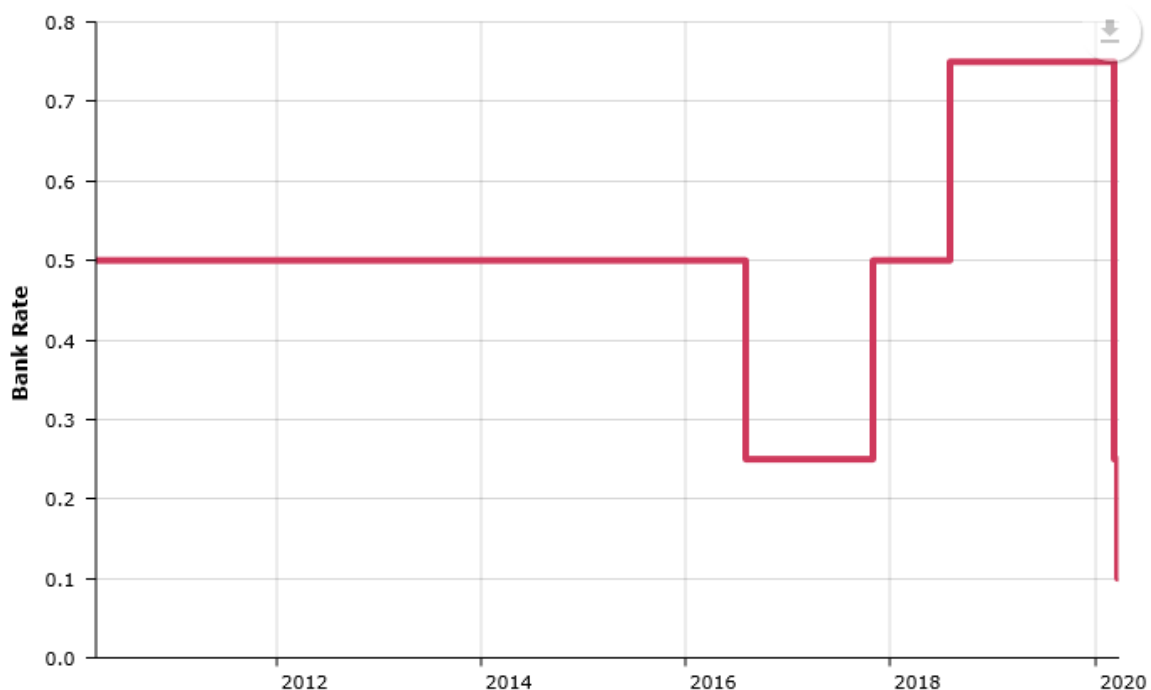
- With modelling suggesting that logarithmic rate of new cases would quickly overwhelm NHS bed and Ventilator capacity - All non-essential population quarantined in homes until mid-April at earliest. Non-Grocery and/or medical stores instructed to close. Schools closed. This is highly likely to be extended, and even when relaxed we are likely to see continued social distancing measures along with rolling quarantining until a vaccine is widely available (a phase known as 'the dance').
- Panic buying quickly emptied Supermarket shelves of 'essential' items.
- 30% fall on equity markets in a matter of days, the fastest since 1929.
- Borders closed around the World. Aircraft grounded and UK citizens abroad told to return home where they can.
- All sporting events incl the 2020 Olympics and all football tournaments postponed.
- For the first time ever, a Bank of England T-Bill Auction offering failed to cover.

- Money Markets now stabilising after initial rush to liquidity which saw extraordinary volatility right along the curve. This was a single day in the supposedly less volatile 30y Gilt 19.3.2020. The previous week the rate had been as low as 0.38%.



- Two Emergency rate cuts by Bank of England (Base Rate slashed to 0.10%) and released 100% of Banks' Countercyclical Reserves for at least 12 months.

Official Bank Rate



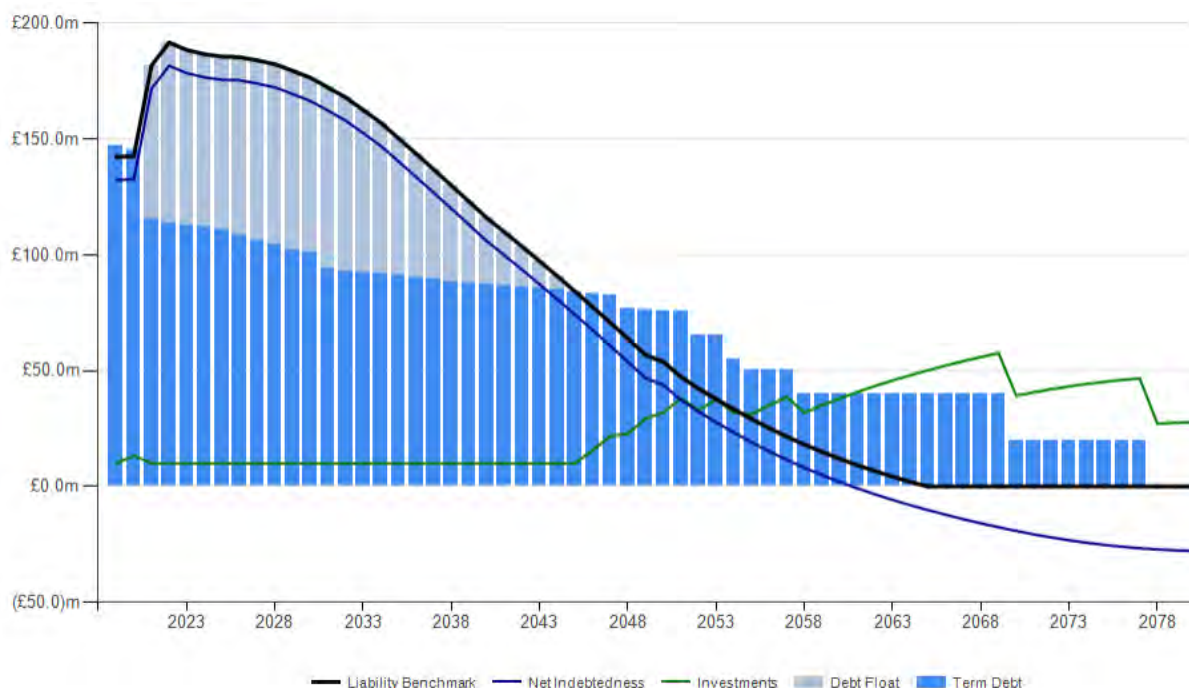
- UK Government calls for 750,000 volunteers to help NHS cope and for factories to switch production to make ventilators. Rail companies temporarily nationalised.
- Numerous Central Government stabilisation packages announced to assist workers, self-employed and businesses. Total value 15-50% of GDP.
- Significant payments to businesses channelled through Local Authorities from late March. £9m received 25/3 with £35.5m Business Support Grant confirmed for 1 April.
- Further burden on LAs not just in resourcing but also in lost income. NNDR £9m p/m expected to fall by 40%+ from 1 April. Council Tax (£7m p/m will also potentially drop dramatically). Rough estimate of cash flow impact £16m a month.
- Local Authority lending market all but dried up prior to funding arrangements being confirmed 27.3.2020 as lenders sought to protect their own cash flow.
- We managed to get some short-term (1 month) money when possible using previous decision and operating on the assumption that cash is king .
- Original strategy in that notice to borrow 1y to get to point where PWLB may have reduced their margin following consultation announced 3/20 was unsuccessful. We are unable to guarantee access to short-term funding outside of 1y PWLB.
- Nomura loan offer - lender (Pension Protection Fund) is less bullish on the deal following impact of equity falls on their portfolio diversification strategy. We continue to pursue this source nonetheless.

Short-term Cashflow Forecast (as at 27.3.2020)

Date	Net Cashflow Inflow/(Out flow)	Net Settled Deposits	Net Settled Loans	Dealing Exposure	Investment Balance
LAST NIGHT'S CLOSING INVESTMENT BALANCE					26,321,551
27/03/2020	10,278,268			10,278,268	36,599,819
30/03/2020	-299,346	7,100,000	-2,359,311	4,441,344	33,941,162
31/03/2020	-3,302,218	9,400,000		6,097,782	30,638,945
01/04/2020	39,317,452		-2,000,000	37,317,452	67,956,396
02/04/2020	-2,173,637	3,300,000	9,000,000	10,126,363	74,782,760
03/04/2020	-691,822			-691,822	74,090,938
06/04/2020	-1,153,650			-1,153,650	72,937,288
07/04/2020	1,229,350			1,229,350	74,166,638
08/04/2020	356,350			356,350	74,522,988
09/04/2020	-405,963			-405,963	74,117,024
14/04/2020	-1,166,025		-113,261	-1,279,286	72,837,738
15/04/2020	4,522,648			4,522,648	77,360,386
16/04/2020	-771,758			-771,758	76,588,628
17/04/2020	-1,298,750			-1,298,750	75,289,878
20/04/2020	-1,179,826		-3,000,000	-4,179,826	71,110,052
21/04/2020	356,350			356,350	71,466,402
22/04/2020	356,350			356,350	71,822,752
23/04/2020	-2,678,350			-2,678,350	69,144,402
24/04/2020	422,550			422,550	69,566,952
27/04/2020	-1,153,650			-1,153,650	68,413,302
28/04/2020	1,456,350			1,456,350	69,869,652
29/04/2020	356,350			356,350	70,226,002
30/04/2020	-17,108,900		-14,000,000	-31,108,900	39,117,101

Includes
£35.5m
BEIS
Business
Support
Grant which
will be
dispersed
during April
(no spend
included as
profiling not
available)

Long-term Cashflow Forecast (Liability Benchmark)



The chart above (from Treasury Live) is based on our 2018-19 Statement of Accounts and a Pre-Coronavirus assumption of annual Capital spending linked to MRP.

As stated above this Decision Notice is focussed on ensure the Council's cash flow remains robust over the next few critical weeks. Whilst work done during March (securing short-term loans in a challenging market, deferring Pension Prepayment and advancing the Nomura loan) ensures we commence April in a strong position but not without risk. We have £22.5m of loan maturities in April/May and our default lender PWLB is still months away from revising their lending margin downward (although they could always take an emergency step in the face of LGA pressure but no indication on that front at time of writing).

Current TMSS has a minimum cash level set of £10m. This is to ensure adequate liquidity is always available to cover salaries and major third party payments in a normal market environment. As shown above, the current market is anything but normal and our payment expectations are also greatly amplified at a time when our income is uncertain.

The following is therefore proposed:-

1. Minimum cash balance increased to £15m (excl. Business Support Grant payments) – Rationale added buffer to support expected payment volatility. Keeps temporary cash of Business Support Grant segregated from 'Council' funds.
2. Short-term borrowing (up to 3 month max) to be taken as required up to 2020/21 CFR figure (£209m). Rationale - This ensures maximum flexibility within PIs but crucially allows for position to be unwound with 3 months if environment stabilises (through repayments)

3. This cap to be reduced by a like amount if we succeed in drawing £20m from Nomura/PPF and/or take 1y PWLB if LA market continues to be dysfunctional. Rationale – ensures access to funding without double counting of internal borrowing position
4. Position to be reviewed at end April. Rationale – added flexibility should have added oversight.

Our Authorised Borrowing Limit for 2020-21 is £280m, the Operational Boundary is £240m. As current borrowing is £147m neither are breached as a result of this decision. Our variable rate limit is 60% (£88m) of which we have used £28m (all borrowing less than 12months being classed as variable rate). The S151 Officer can therefore approve this tranche of borrowing.

Reason for chosen Lender (Nomura/PPF)

Since PWLB increased their rates in November we have held several discussions with potential alternate long-term lenders and progressed the above option.

Legal Documentation has now been reviewed by Bevan Brittan and final changes are being progressed by lenders legal team. Bevan Brittan's general view was that terms were more generous than typical.

Margin of 140bps above gilts has been agreed which we know is competitive from other indicative offers. As we have indicated a desire to take the loan on a 30y straight line repayment basis the actual rates will be c10bps lower.

Nomura have responded to our questions around what makes the deal attractive for them satisfactorily.

1. What's in it for Nomura?

a. What makes this loan attractive from bank's viewpoint? Similar question if third-party investors are involved.

Nomura views this as an opportunity to utilise our broad range of relationships with institutional clients (insurance companies and pension funds) developed through many years of client coverage to provide an efficient borrowing platform for UK local authorities for a financial return. We see our value-add as diversifying the borrowing options for UKLAs, as well as structuring loan documentation that recognises the specific needs of the local authority sector, and hence eases the process (for follow up transactions at least) for a local authority borrower such as NELC. The opportunity to use this connectivity to originate and distribute the loan to a natural holder of long-dated risk (for a fee) is attractive to Nomura.

The loan is attractive to many UK real money investors such as insurers and pension funds (with whom Nomura maintains strong relationships) who are looking for long-dated illiquid credit assets (including semi-sovereign debt issuers) to match against their liabilities. The relative scarcity of long-dated high quality credit assets given the lack of long-dated corporate/SSA debt issuance in GBP adds to this rationale.

b. Is margin consistent across the sector or NELC specific?

Nomura (and Nomura's end investor clients) view each local borrowing application on a case-by-case basis and make reference to a number of factors when determining the appropriate margin for the loan. This includes analysis of where the local authority borrower compares vs sector peers across a range of credit metrics (such as total leverage, GVA per capita, Debt as a proportion of operational revenue and other Moody's methodology criteria). By way of example, Nomura would anticipate the margin on loans offered to local authorities that compare favourably vs NELC on select metrics (e.g. Westminster, Kensington & Chelsea) to be inside the margin on this loan, and vice versa for those comparing unfavourably (e.g. Blackpool).

- c. When looking at transfer or syndication, how would outright rate movements, a flattening or, conversely, a steepening of the yield curve affect the loans value?

As the loan is a fixed rate instrument, an increase in rates will decrease the price of the loan. Most of the risk of the loan is at maturity, so the loan price will be most sensitive to movements at this point on the curve, ie. an increase here will almost certainly mean a decrease in loan price (regardless whether it's an outright increase, or part of a steepening or bear flattening). The amortiser version of the loan has a little more risk at shorter tenors of the curve, so it is more likely that there are cases where a steepening (with the front and middle of the curve decreasing significantly) might result in the loan price increasing. It should be noted though that even for the amortiser most of the risk is at the backend, so the main driver is still long end rates.

- d. What are the key elements of return for the bank and how will it seek to protect those returns?

In relation to this transaction, Nomura's return will be purely fee based, for a fixed amount, payable on execution of the loan

- e. If, as a major market participant, the Bank is involved in transactions elsewhere that could potentially impact the level of return available to it from this transaction what safeguards are in place to ensure conflicts of interest are managed?

As per the answer in the previous question, our return is a fixed fee payable on execution, so no issues in this regard.

- f. What happens to the loan should Nomura (or any subsequent transferee) become insolvent?

Nomura Legal does not see a concern on behalf of the borrower with regards to the lender becoming insolvent. Following the disbursement of the loan to the borrower, the borrower would simply need to comply with its payment obligations. There would be no acceleration of the loan or other changes though an insolvent (or different) lender may be less co-operative on loan amendments. Please note that Nomura cannot provide advice on this point and would suggest that NE Lincolnshire discuss with their counsel should they have any concerns. We would be happy to have a follow up call if helpful.

2. What are the fee flows resulting from this transaction if it goes ahead at £20m

Nomura will be making a payment to PSL for introducing us to this borrowing application and opportunity. The fee to PSL will be £15k. Nomura will be receiving a fee from PPF for arranging the transaction, structuring the legal documentation and distribution of this opportunity. The fee from PPF will be £75k.

3. What assurance is there that additional sums will be available to us in future?

While Nomura cannot guarantee an open line of credit to NELC, Nomura is viewing the initial trade as a means of opening up a wider platform for follow-up lending transactions. NELC has been thoroughly assessed by Nomura from a due diligence perspective and Nomura is keen to build on the relationship with NELC with additional lending. The de minimis fee income earned by Nomura (relative to costs and adviser fees) for this transaction should provide additional comfort around Nomura's intention to provide additional sums to NELC in the future.

4. Have Nomura placed any lending limit on NELC as a counterparty?

No. Given the mechanics of this initial loan transaction (Nomura onward distributes the loan to the PPF via a transfer agreement at the time of signing the loan sale agreement), a lending limit has not been placed on NELC.

Simon Freedman

Head of UK Solutions, Global Markets
Nomura
1 Angel Lane
London EC4R 3AB
Phone: +44 20 7103 5273
Email: simon.freedman@nomura.com

Subsequent response from BB

I think that Nomura's responses to your queries answer them adequately and can be accepted by the Council. As regards the query at paragraph f. I agree with Nomura's response. As you are drawing the full amount of the loan on completion, there is little risk to you if the Lender goes insolvent. Nomura is correct in stating that the insolvency of the lender is not an event of default and does not entitle whatever entity takes over the loan to accelerate it.

Hugo Stephens | Partner

for **Bevan Brittan LLP**

We have considered the possibility that Nomura may be misrepresenting these responses and other terms. Their responses have been reviewed by Bevan Brittan as above and we have found Nomura to be transparent and forthright in all our dealings thus far and so believe there to be no misrepresentation.

With the Pension Protection Fund being the end investor, having satisfied themselves with our credit and agreed legal terms this option opens up an alternate to PWLB who can transact in significant size and with minimum lead in in future, should we wish to take further loans prior to PWLB margin adjustment.

We have considered the option of deferring all borrowing until PWLB adjust their margin but as we do not know when, and by how much, this will happen, in a volatile rate environment we see value in taking the reduced margin available from Nomura/PPF now to remove that interest rate risk on our sizeable internal borrowing position.

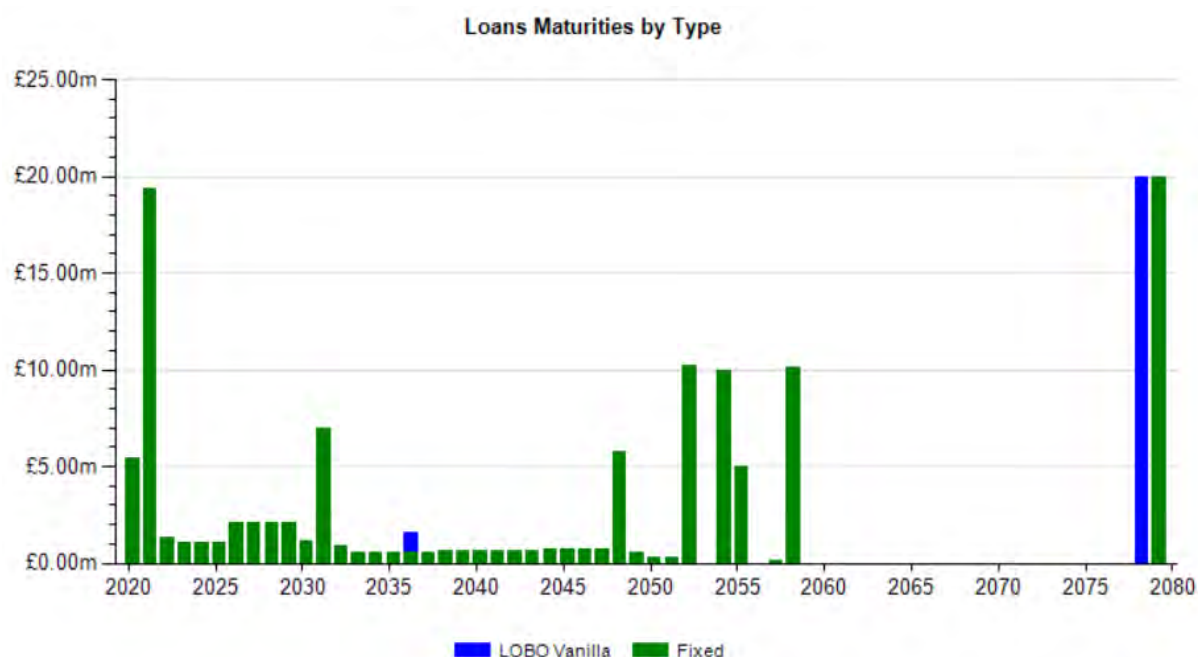
Commissions payable for short-term Local authority loans range from 4-10bps.

Fees are payable to PWLB are £0.35 per £1000.

Fees with Nomura are £48,000 up front (on £20m) to Tullett Prebon brokers. Details of other fee flows on the transaction have been confirmed by Nomura above and are in line with these.

Reason for chosen type of loan and term

Our current loan maturity profile is shown below



Our portfolio remains weighted toward the long end (average life 29.45 years) and is predominantly fixed, maturity profiled. We will continue to seek to maintain a proportion of borrowing on short-term in the current (neutral) rate environment. This provides an element of portfolio balancing whilst retaining the flexibility benefits referred to above. However, in order to manage future interest rate risk a term of around 30 years provides a reasonable balance between certainty of cost and future cost of carry (See Liability Benchmark). Doing this long-term element on EIP/Annuity profile (where available) spreads the maturity risk and is the preferred structure, however all types of repayment profile will need to be considered while the market is restricted in terms of offering.

Confirmation

Having evaluated need, risk, alternatives and value-for-money factors I confirm the proposal to borrow as set out above.



.....

Director of Resources and Governance/S151 officer

30th March 2020



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

To seek approval to temporary close Immingham Community Recycling Centre, until essential travel restrictions are lifted, but retain opening of Grimsby Community Recycling Centre with continuing restrictions on essential items only.

Increased usage has caused substantial congestion on both sites and placed staff at risk as social distancing rules could not be adhered to at all times. Both CRC sites are currently struggling with lower than average staffing numbers, due to a high levels of staff absence.

Following the government instruction on avoiding non-essential travel, the following changes were implemented at both CRC sites from the 25th March 2020.

- Only four cars on site at one time.
- Only household waste and recycling material which normally is collected at the kerbside in your green waste bin and boxes will be accepted.
- Non-essential Items will not be accepted at the CRC sites.

- Only one visit per day

This has had some success in reducing visitor numbers and on Wednesday 25th of March 2020 Grimsby had 170 visitors and Immingham had 78 visitors. This is still higher than usual for a weekday.

Many other Local Authorities have taken a decision to close all CRC sites, with the justification that these encourages non-essential travel.

Closing Immingham CRC site and continuing to operate the Grimsby site with a higher staffing number and restrictions of essential items only, would strike a good balance between retaining a provisions for households genuinely generating extra waste whilst discouraging non-essential travel and keeping staff safe.

2. Is it a Key Decision as defined in the Constitution?

Yes

3. Details of Decision

To temporary close Immingham Community Recycling Centre, until essential travel restrictions are lifted, but retain opening of Grimsby Community Recycling Centre with continuing restrictions on essential items only.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes, decision required to reduce risk to staff and the wider community

5. Anticipated outcome(s)

Temporary closure of Immingham CRC site will release sufficient staffing to ensure safe operation of Grimsby CRC site throughout the current travel restrictions

6. Details of any alternative options considered and rejected by the officer when making the decision

- Keeping both sites open with restrictions to essential items only. Due to current level of staff absences, Newlincs Ltd do not have sufficient staffing to keep both sites open with extra precautions in place. Agency staffing could be considered but would incur a cost. Most current visits to the site is likely to be classed as non-essential travel and the Council may be criticised for encouraging irresponsible behaviours.
- Closing both sites. This would send a strong message that all non-essential travel should stop. However, it is clear that with more meals consumed at home, some families are generating more waste than the normal kerb side collection offer can manage. With side waste restrictions in place, such waste may be fly tipped or left in residential gardens, which may cause a nuisance and be prejudicial to health.

7. Background documents considered

None

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

Constitutionally where there is an urgent need or where there is a recess in meetings (in my view, *howsoever arising*) the Chief Executive and all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

(i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)

(ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and

(iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.

(iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision.

The Chief Executive has directed that all decisions made in the above circumstances shall be in consultation with the Leader and Portfolio Holder for Finance and Resources (where available)

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The Government has indicated that the Council will be fully funded for implementing this measure to tackle the coronavirus pandemic. A proper record of any costs incurred as a result of the temporary closure should be maintained.

12. Human Resource Comments (Head of People and Culture or nominee)

Where there could be an impact on peoples working arrangements then appropriate HR advice would be taken, any decisions made are made with the employees safety and wellbeing in mind

13. Risk Assessment (in accordance with the Report Writing Guide)

There is a reputational risk to the Council should we be seen to encourage non-essential travel. There is equally a reputational risk to the Council if we are seen to provide insufficient assistance to residents to allow safe disposal of domestic waste. There is a Health and Safety risk to staff at both sites if allowed to continue to operate above normal capacity with below normal staffing resource.

<p>14. Decision Maker(s):</p> <p><i>In in the absence of the named Director or Delegate a confirmatory email which is annexed to this record</i></p>	<p>Name: Robert G Walsh</p> <p>Title: Joint Chief Executive</p> <p>Signed: Robert G Walsh</p> <p>Dated: 6th April 2020</p>
<p>15. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance and Resources (Cllr Shreeve)</p>	<p>Signed: Cllr Philip Jackson</p> <p>Dated: 3rd April 2020</p> <p>Signed: Cllr Stan Shreeve</p> <p>Dated: 3rd April 2020</p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p> <p><i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i></p>	<p>Name: Cllr Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: Cllr Paul Silvester</p> <p>Dated: 2nd April 2020</p>

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

Appendix 1 - Copy of email confirmation

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 06 April 2020 10:42
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Take it as read.thanks.

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 03 April 2020 17:11
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

The email thread below reflects:

1. Consent to urgency by Scrutiny Chair;
2. Consultation with PFH Finance and Resources;
3. Consultation with Leader.

You are the decision maker.

Having complied with the emergency governance framework I will need either an electronic signature on each Emergency ODR or (preferably) an email from you confirming that as decision maker all attached decisions, being:

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;
4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

are deemed made and completed.

I will then forward to Democratic Services.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk|

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 03 April 2020 13:46
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

I'm content to sign these off, too, though share the concerns voiced by Stan Shreeve.

Kind regards

Councillor Philip Jackson
Leader of North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
Email: Philip.jackson@nelincs.gov.uk
Office: 01472 325905
Alternative: 01472 823740

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 03 April 2020 13:32
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Good afternoon,

Attached are signed decision notices as forwarded this morning.
I have signed all as requested, but can I put on record my disquiet with the ASC measures which are many and seem to be blanket covering just about everything, with no financial impact assessment at present. Please keep these closely under review as the situation develops and close down where possible.

Cllr Stan Shreeve
Portfolio Holder Finance and Resources
Ward Councillor for Humberston and New Waltham
North East Lincolnshire Council
Email: stanley.shreeve@nelince.gov.uk
Tel: 07702 343340

From: Rob Walsh (NELC)
Sent: 03 April 2020 11:43
To: Cllr Philip Jackson (NELC); Cllr Stanley Shreeve (NELC)
Cc: Sharon Wroot (NELC); Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Subject: Emergency Decisions

Importance: High

Philip / Stan

Here is a suite of delegated emergency decisions for your perusal and sign off. In each instance officers have consider all relevant issues and risks and I , with your support, seek authority to formally sign them off for the record.

This is going to become a system / process that will iterate over the coming weeks / months.

For transparency, the full governance trail is set out below.

Rgs

Rob

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 02 April 2020 13:45
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

I have this morning received confirmation from the Communities Scrutiny Chair, Cllr Silvester, as to his consent to the attached decisions. Below.

You are now able to brief Leader and Portfolio Holder for Finance and Resources in accordance with the emergency framework of governance implemented as a result of the COVID-19 emergency.

Confirmatory emails from yourself and Members are sufficient in that scheme to evidence the decision.

Upon completion the decisions and supporting email threads will be subject to publication.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk|

From: PAUL SILVESTER
Sent: 02 April 2020 11:54
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good morning Simon

I have read all of the emergency decision notices and my response as Chair of the Communities Scrutiny panel is as follows

1. Adult Social Care (ASC) decisions; - consent
2. DoL's (Deprivation of Liberties); - consent
3. Economy and Growth Schedule of decisions; - consent
4. Finance and Treasury Management; - consent
5. Immingham Community Recycling Centre (CRC). - consent

Kind regards
Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 01 April 2020 19:04
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions
Importance: High

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record.

Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are "special urgency" provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;

4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

I would suggest that in your response to simply state:

1. Consent/Don't consent;
2. Consent/Don't consent.....etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

2. Is it a Key Decision as defined in the Constitution?

Yes

3. Details of Decision

At Annex 1 of this Emergency Decision Record is a schedule of operational decisions taken by the Director for Economy and Growth reflecting a redeployment of resources directly attributable to the COVID-19 issue.

The JCEX is asked to note these decisions.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes

5. Anticipated outcome(s)

A redeployment of resources consistent with the Director's constitutional power to do so subject to the prevailing policy of the Council.

6. Details of any alternative options considered and rejected by the officer when making the decision

Not applicable

7. Background documents considered

Not applicable

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

Not applicable

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

In the current climate all such decisions fall to the Joint Chief Executive Officer in consultation with the Leader and Portfolio Holder for Finance and Resources.

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

S138 of the Local Government Act 1972 permits the Council to incur expenditure to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the Coronavirus. The Government has indicated that the Council will be fully funded for implementing any measure to tackle the coronavirus pandemic. A proper record of any spend incurred should be maintained.

12. Human Resource Comments (Head of People and Culture or nominee)

Where there could be an impact on peoples working arrangements then appropriate HR advice would be taken, any decisions made are made with the employees safety and wellbeing in mind.

13. Risk Assessment (in accordance with the Report Writing Guide)

Risk is likely to be minimal in that any reputational harm is far outweighed by the need to act effectively to ensure that all resource is appropriately directed so as to alleviate the effects of the COVID-19 emergency.

<p>14. Decision Maker(s):</p> <p><i>In in the absence of the named Director or Delegatee a confirmatory email which is annexed to this record</i></p>	<p>Name: Robert G Walsh</p> <p>Title: Joint Chief Executive Officer</p> <p>Signed: Robert G Walsh</p> <p>Dated: 6th April 2020</p>
<p>15. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance and Resources (Cllr Shreeve)</p>	<p>Signed: Cllr Phillip Jackson</p> <p>Dated: 3rd April 2020</p> <p>Signed: Cllr Stan Shreeve</p> <p>Dated: 3rd April 2020</p>
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In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
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Ward Councillor for Humberston and New Waltham
North East Lincolnshire Council
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Tel: 07702 343340

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Upon completion the decisions and supporting email threads will be subject to publication.

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Councillor Paul Silvester

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Importance: High

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record.

Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are "special urgency" provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;

4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

I would suggest that in your response to simply state:

1. Consent/Don't consent;
2. Consent/Don't consent.....etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk

Appendix 1

Operational Decisions taken by Economy and Growth

Risk:	Recommendation:	Agreed Decision/Why:
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Access to public parks.	Parks: We will stop locking parks at night, because both we need this resource for other duties and we cannot guarantee unlocking again each morning.	SMT agreed with the suggested recommendation to enable redeployment of resources for other essential duties. 25.03.20
Access to cemeteries.	Cemeteries: Reduce opening of Cleethorpes and Scartho Road Cemeteries from 10-7pm to 12-7pm. This will allow our staff to do essential tasks following social distancing rules. We still struggling with excess visitor numbers and have even had enquiries about exercise classes in these area.	SMT agreed with the suggested recommendation to comply with the social distancing guidance provided by the Government. 25.03.20
Funeral service attendance:	Funeral Services: Implement advice from ICCM and FBCA for funerals and only allow immediate family. Request visitors to adhere to social distance rules at all times. Request funeral directors to respect social distancing for our staff. We are not yet suggesting delivery only funerals, but will liaise with funeral directors to start pushing this as the preferred route forward.	SMT agreed with the suggested recommendation to implement the advice from the national bodies and comply with the social distancing guidance provided by the Government. 25.03.20
Beach Safety office:	Beach Safety: Close Beach Safety office to the public. The service will still operate on the sea front but will no longer offer minor first aid and adhere to social distancing rules.	SMT agreed with the recommendation and asked for public notices to be displayed in inform members of the public on the changes. 25.03.20 CB is working with Comms to review public notices to ensure they are amended were advice has changed.
Domestic waste/Recycling collections:	Waste: The amount of waste presented is start causing great concerns. People are eating more meals in the home and ordering things on line which reduce in excess packaging. If this mirrors patterns on xmas and bank	SMT agreed with the recommendation to assist with resourcing the waste collections. CT will discuss the recommendations are Leadership. Once approved relevant comms messages will

	<p>holidays we are expectation 20-40% more cardboard and plastic. The service cannot cater for this at a time when we are fighting to maintain basic collections. We would like permission to go out with a message of no side waste, only 5 boxes presented by household and no large cardboard. CRC sites are open at this moment in time to take excess, however long term advice will be that it is safe for people to leave excess cardboard and plastic in bags in their garden until the restrictions ease.</p>	<p>be sent out to residents advising them on the changes to collections. 25.03.20</p>
School Crossing Patrols	<p>Recommendation to postpone school patrols. Recently reduced service would like to stop all patrols.</p>	<p>School crossing patrols now postponed at request of Leader, schools agreed to the postponement. 25.03.20</p>
Non-essential retail and travel for essential work- Security	<p>Recommended actions for Security services: 1. To cease other security services (e.g. confidential waste and cash collection (except for car parking) due to a reduced number of staff resource as a consequence of self isolation.</p>	<p>The decision was agreed on Wednesday 25th March by SMT. This is to allow remaining security resource to concentrate on the delivery of other essential service, examples are CCTV control room and patrols to provide open/closing of properties and alarm response.</p>
Non-essential retail and travel for essential work- Schemes	<p>Development Management: Amongst other measures, it is recommended to reduce the planning service activity by ceasing to process any new applications unless no site visit or consultation required</p>	<p>It was agreed that processing of new schemes will be paused for a period of 3 weeks and the process will be reviewed after this. PC advised that that there will be a low impact to the service. This is to encourage staff to work in compliance with Government guidance, prevent accusations of progressing planning matters when consultees are not available to respond and encourage residents to comply with self-isolation guidance.25.03.20</p>
Non-essential retail and travel for essential work- Housing	<p>Housing: Amongst other measures, it is recommended to reduce the housing service activity as follows;</p>	<p>For point 1, SMT agreed to this recommendation to encourage contractors to comply with Government guidance regarding self-isolation and</p>

	<p>1. Respond to CAT 1's imminent risks (i.e. no heating/hot water, faulty electrics) only.</p> <p>2. Loans for CAT 1's in privately owned - suggest this is changed to Grants if the information needed for a loan can't be obtained.</p>	<p>minimise the risk spreading infection between home environments.</p> <p>For point 2, SMT agreed with this recommendation to help minimise risks of harm to people living in private rented accommodation, although the grant applications would need to be considered and approved on a case by case basis.</p> <p>25.03.20</p>
Contract award	<p>The project forms part of the LTP 2019/20 delivery plan. The project is to implement carriageway patching repair on various locations in the borough. This is a DfT funded project. A tender was let through NELC's surfacing frameworks. Cabinet Decision Notice 11 March 2019 (LTP Programme approval)</p>	<p>Decision made to approve the award of the contract for implementation of carriageway patching – Pothole Fund on various locations, following the conclusion of the evaluation process. 27.03.20</p>
Contract Extension	<p>Decision is to approve a contract extension of the 1, 2 & 20 Europarc bus service (from 17 July 2020 to and including 26 September 2020 or three months from the date the final decision is made by Cabinet.</p>	<p>The decision reached by SMT is due to Cabinet being unable to consider a report in March 2020 and a further contract extension needs to be agreed to allow Cabinet to consider a report in June 2020 (or possibly beyond this date) and to provide sufficient time to deliver the Cabinet recommendation.</p> <p>In terms of finances, the proposed contract extension could reduce savings once Cabinet have the opportunity to consider the report. 27.03.30</p>
Accommodation acquisition	<p>Acquire x18 double bedrooms in local hotel to home vulnerable adults/r/s during the C19 outbreak and provide security measures.</p> <p>I can now confirm hotel costs to be £65 per night, approx.£9k</p>	<p>Direct and clear gov. instruction/guidelines. Protect the most vulnerable, cheaper than hospital bed, reducing strain on health services. Sends a clear message that c19 is being taken seriously for all residents in the</p>

	per week – only just found this info out..	borough. Rough Sleeper initiative funding should be used as well a possible claim to central gov. No other hotels will accommodate the r/s. 27.03.20
Immingham CRC Site	CB would like to close the Immingham CRC site from tomorrow due to lack of resources and to reduce non-essential travel to the site to comply with the Government guidelines. CB would like to focus staff to one CRC site so they can operate safely.	The decision was agreed by SMT. CT advised that the decisions has also supported been supported by Leadership Team. BS to circulate the ODR to Simon Jones for information. 27.03.20
Public slipways	CB would like to close the public slipways to comply with the Government guidelines.	SMT agreed with the recommendation as it complies with Government guidance. 27.03.20
Major Capital Projects	DJW is requesting to suspend the following projects for 1 week – Garth Lane, St James Square and Humber Link Road to comply with Government guidelines and reduce potential financial implications.	SMT agreed with the recommendation. DJW to prepare a briefing note on the status of major capital projects for the Leader and Rob Walsh.



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

2. Is it a Key Decision as defined in the Constitution?

Key in that a range of decisions are to be implemented as reflected in the attached schedule ("*Adult Services Emergency Decisions – High Level Advice to CEO and Leader*") across the adult social care agenda in order to meet a daily shifting landscape

3. Details of Decision

At appendix 1 of this Emergency Decision Record is a schedule of operational decisions taken by the Director for Adult Social Services reflecting a redeployment of resources directly attributable to the COVID-19 issue.

The JCEX is asked to note these decisions

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes

5. Anticipated outcome(s)

A redeployment of resources consistent with the Director's constitutional power to do so subject to the prevailing policy of the Council.

6. Details of any alternative options considered and rejected by the officer when making the decision

Not applicable

7. Background documents considered

None

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

In the current climate all such decisions fall to the Joint Chief Executive Officer

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

S138 of the Local Government Act 1972 permits the Council to incur expenditure to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the Coronavirus. The Government has indicated that the Council

will be fully funded for implementing any measure to tackle the coronavirus pandemic. A proper record of any spend incurred should be maintained.

12. Human Resource Comments (Head of People and Culture or nominee)

There are no direct HR considerations, however the wellbeing and safety of the workforce is paramount during these times

13. Risk Assessment (in accordance with the Report Writing Guide)

Risk is likely to be minimal in that any reputational harm is far outweighed by the need to act effectively to ensure that all resource is appropriately directed so as to alleviate the effects of the COVID-19 emergency.

<p>14. Decision Maker(s):</p> <p><i>In in the absence of the named Director or Delegatee a confirmatory email which is annexed to this record</i></p>	<p>Name: Robert G Walsh</p> <p>Title: Joint Chief Executive</p> <p>Signed: Robert G Walsh</p> <p>Dated: 6th April 2020</p>
<p>15. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance and Resources (Cllr Shreeve)</p> <p><i>In in the absence of the above named a confirmatory email which is annexed to this record</i></p>	<p>Signed: Cllr Philip Jackson</p> <p>Dated: 3rd April 2020</p> <p>Signed: Cllr Stan Shreeve</p> <p>Dated: 3rd April 2020</p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p> <p><i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i></p>	<p>Name: Cllr Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: Cllr Paul Silvester</p> <p>Dated: 2nd April 2020</p>

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

Adult services emergency decisions – high-level advice to CEO and leader

Updated 23rd April 2020

Decision to be taken (K=key decision)	Rationale, risks and impact	With effect from	Financial implications	Lead officer
Older people and learning/disabled day centre closure (K)	Reduce contact between older and vulnerable people to prevent infection and the spread of infection; there is a risk that people will become socially isolated, that carers will not be able to cope or that we do not have adequate service provision to support people at home. CPG is working with focus to mitigate these risks	4pm 18 th March 2020; ODR to be completed	Reduced income to service (£250k);	Amy Clarke
Provision of additional step up/step down facility to support safe hospital discharge (K)	This will provide additional capacity for care if residential providers unable to meet demand due to covid related staff shortages or the need to contain infection. Facility identified is Cambridge park, a former care home.	Facility has been completed and ready for use	C£700k; part of COVID claim from health	Nic McVeigh
Oversight of the discharge pathway	New processes being designed to ensure the safe discharge of patients to reduce the risk of spread; particularly for patients being discharges to home, supported living or ECH; to include consideration of transport	Completed – new systems up and running	May be cost neutral depending on the new care pathways	Nic McVeigh
Financial control, policy and oversight (K)	Financial recording so we can track the costs attributable to Covid action	Recording in place	Cost neutral – will enable us to track impact	Rachel Brunton
	Debt recovery – process as usual without enforcement; reduced income to services (K)	Immediate effect – ODR needed	We will track debt as usual business and report	Rachel Brunton
	Maintenance of provider payments – we have a contingency plan if the CCF team cannot	ODR agreed	Likely to be overspend on core	Rachel Brunton

Form
M.O.1

	operate to full capacity; This will mean paying on planned not actuals which will inflate costs. May be possible to recover post event.		budgets – unknown; some costs will be charged to additional funding provided	
	Delay decision to adopt and implement new charging policy (K) – reduced income; too disruptive to implement in a crisis and without debt enforcement will further increase debt levels	Immediate effect; ODR to be agreed	Will reduce income to service c£100k	Emma Overton
	Review of clients in receipt of direct payments to see what the impact would be of them requiring new support if their existing arrangements could not be delivered due to sickness/isolation; this will mean continuing to pay workers to ensure that they can return to work	Paper needed to look at issues – ODR pending	Increased cost – unknown at this stage	Rachel Brunton
Stepping down BIA assessments and face to face work with DOLS (K)	We are developing a plan to deal with critical DOLs only (where there are objections); the council will be in breach of human rights;	Completed – ODR in place	Will reduce cost to deliver DOLs but increase the risk of challenge; however this is unlikely in the present situation	Bruce Bradshaw
Close carers support centre to face to face activity(K)	There is a risk that carers' relationships will break down resulting in more pressure on the system; Carers' support service will be maintained to some degree as a remote/telephone service; we will aim to risk assess people and keep in contact	Plan in place with immediate effect	Cost neutral	Nic McVeigh
Delay implementation of IAG platform (replacement of services for me)	This will delay the provision of an enhanced digital offer to the community; we have already given notice to Services for me and will have to explore whether this can be re-instated;	ODR agreed	Likely to be around £40k	Nicola Stark

Form
M.O.1

	Rationale for pausing the new system is simply capacity at this critical time. Digital offer reduces demand on the SPA so we need something in place; it will also offer a link to the mobilised community support once up and running -			
Step down routine reviews	This will mean that face to face reviews will be stopped other than for high risk cases; this may mean we over or under deliver on care packages; priority to be given to cases that need to be moved from health funded short term placements to usual home.	With immediate effect – ODR pending	Substantial but unknown; will be part of new monitoring arrangements	Christine Jackson
Introduce light touch assessments and light touch financial assessments (K)	We will be able to manage incoming cases if social work capacity is depleted; we will risk being in breach of care act duties; income will be reduced	With immediate effect	Substantial but unknown	Christine Jackson
Pause work on high cost placements (K)	This will impact on budget savings; however we need to preserve social work capacity to prepare for an influx in demand for services	With immediate effect; ODR pending	Substantial but unknown	Bev Compton
Pause work on transitions (K)	This will impact on budget savings; as above we need to preserve capacity	ODR pending	Substantial but unknown	Bev Compton
Pause work on the implementation of the new care at home contract (K)	Although we should have been moving to new contracts by June this would be disruptive to some services users and is taking capacity from the team; we are working with providers on an interim offer that will ensure that all current providers can maintain their client caseload and ensuring that we have optimum service capacity throughout the outbreak	Paper and ODR due;	Cost to take this decision is neutral unless we are challenged legally but this is unlikely	Bruce Bradshaw

Form
M.O.1

Implement enhanced care at home service to be able to response within the 3 hour discharge process	Additional and more responsive care at home capacity may be required to enable flow through the hospital out to community	Spec being developed	Will be additional costs associated with this – unknown at present	Bruce Bradshaw
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Appendix 2 - Copy of email confirmation

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 06 April 2020 10:42
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Take it as read.thanks.

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 03 April 2020 17:11
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

The email thread below reflects:

1. Consent to urgency by Scrutiny Chair;
2. Consultation with PFH Finance and Resources;
3. Consultation with Leader.

You are the decision maker.

Having complied with the emergency governance framework I will need either an electronic signature on each Emergency ODR or (preferably) an email from you confirming that as decision maker all attached decisions, being:

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;
4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

are deemed made and completed.

I will then forward to Democratic Services.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk|

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 03 April 2020 13:46
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

I'm content to sign these off, too, though share the concerns voiced by Stan Shreeve.

Kind regards

Councillor Philip Jackson
Leader of North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
Email: Philip.jackson@nelincs.gov.uk
Office: 01472 325905
Alternative: 01472 823740

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 03 April 2020 13:32
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Good afternoon,

Attached are signed decision notices as forwarded this morning.
I have signed all as requested, but can I put on record my disquiet with the ASC measures which are many and seem to be blanket covering just about everything, with no financial impact assessment at present. Please keep these closely under review as the situation develops and close down where possible.

Cllr Stan Shreeve
Portfolio Holder Finance and Resources
Ward Councillor for Humberston and New Waltham
North East Lincolnshire Council
Email: stanley.shreeve@nelince.gov.uk
Tel: 07702 343340

From: Rob Walsh (NELC)
Sent: 03 April 2020 11:43
To: Cllr Philip Jackson (NELC); Cllr Stanley Shreeve (NELC)
Cc: Sharon Wroot (NELC); Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Subject: Emergency Decisions

Importance: High

Philip / Stan

Here is a suite of delegated emergency decisions for your perusal and sign off. In each instance officers have consider all relevant issues and risks and I , with your support, seek authority to formally sign them off for the record.

This is going to become a system / process that will iterate over the coming weeks / months.

For transparency, the full governance trail is set out below.

Rgs

Rob

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 02 April 2020 13:45
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

I have this morning received confirmation from the Communities Scrutiny Chair, Cllr Silvester, as to his consent to the attached decisions. Below.

You are now able to brief Leader and Portfolio Holder for Finance and Resources in accordance with the emergency framework of governance implemented as a result of the COVID-19 emergency.

Confirmatory emails from yourself and Members are sufficient in that scheme to evidence the decision.

Upon completion the decisions and supporting email threads will be subject to publication.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk

From: PAUL SILVESTER
Sent: 02 April 2020 11:54
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good morning Simon

I have read all of the emergency decision notices and my response as Chair of the Communities Scrutiny panel is as follows

1. Adult Social Care (ASC) decisions; - consent
2. DoL's (Deprivation of Liberties); - consent
3. Economy and Growth Schedule of decisions; - consent
4. Finance and Treasury Management; - consent
5. Immingham Community Recycling Centre (CRC). - consent

Kind regards
Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 01 April 2020 19:04
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions
Importance: High

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record.

Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are "special urgency" provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;

4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

I would suggest that in your response to simply state:

1. Consent/Don't consent;
2. Consent/Don't consent.....etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

2. Is it a Key Decision as defined in the Constitution?

Yes – The decision relates to the assessment and authorisation of the Deprivations of Liberty Safeguards

3. Details of Decision

All face to face assessments for Deprivation of Liberty Safeguards cases will cease, except where the information to inform the assessment can be achieved remotely
AND:

- There is evidence of an objection that may require escalation to the Court of Protection under s21a Mental Capacity Act 2005.
- The case is deemed 'High Risk' and there are no equivalent assessments that can be used to inform a decision by the Mental Health Assessor (MHA) or Best Interests Assessor (BIA).

A process to undertake desktop Deprivation of Liberty assessments will be developed and issued immediately (drawing on work previously successfully trialled). **These will include:**

- The utilisation of equivalent assessments whenever possible to avoid face to face contact if a previous assessment remains relevant and fit for purpose, regardless of the age of the assessment (taking a risk based approach)
- The administrative requirements for the assessments
- Revision of the payment structure for out of hours assessments to BIAs and MHAs where visits are not required
- Communication to all relevant partners regarding the changes as outlined above

All steps above will take into account the anticipated approach of the new Liberty Protection Safeguards (LPS) process and effectively aim to replicate the application of the principles that are believed to be integral to the forthcoming new arrangements. (accepting that the code of practice and regulations associated with LPS have not yet been published, and thus not fully known.)

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes

5. Anticipated outcome(s)

An authorisation process will be maintained, albeit at a reduced level

The robustness of some assessments may be diminished.

The potential for missing something crucial in respect of Patient (P) is increased i.e. the hands on expertise of the BIA/ MHA will not be fully engaged without a visit to P, so will (say) minimise their opportunities to prevent P's deterioration/ improve P's position

The potential for challenge and referral to the courts may increase due to departure from the established code of practice

Staff will get used to working in a way more akin to that expected under LPS

6. Details of any alternative options considered and rejected by the officer when making the decision

To continue with existing practice – this is not possible as it would contradict the advice issued regarding the minimisation of social contact with vulnerable individuals.

7. Background documents considered

Mental Capacity Act 2005 as Amended

Deprivation of Liberty Safeguards code of practice

ADASS Light touch approach (including local variations thereof)

Liberty Protection Safeguards – Department of Health publications to date

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

Constitutionally where there is an urgent need or where there is a recess in meetings (in my view, *howsoever arising*) the Chief Executive and all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

(i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)

(ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and

(iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.

(iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision.

The Chief Executive has directed that all decisions made in the above circumstances shall be in consultation with the Leader and Portfolio Holder for Finance and Resources (where available)

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The Government has indicated that the Council will be fully funded for implementing any measure to tackle the coronavirus pandemic. A proper record of any costs incurred should be maintained.

12. Human Resource Comments (Head of People and Culture or nominee)

The wellbeing and safety during this time is paramount, the decision to cease face to face assessments supports our aim to achieve this

13. Risk Assessment (in accordance with the Report Writing Guide)

Risks will be mitigated by applying the anticipated principles of the LPS in terms of maintaining face to face visits to P where there are objections. Maintaining visits will also take place where the application is risk assessed as high risk in terms of the ADASS guidance and the equivalent assessments are either inadequate or absent.

Risks will be managed to all other applications, assessments and renewals by utilising all the information available, and conducting telephone consultations where possible, along with the scrutiny of equivalent assessments for quality and relevance in relation to P's ongoing circumstances.

The waiting list will be unaffected, and will continue to be monitored using the existing risk assessment process.

<p>14. Decision Maker(s):</p> <p><i>In in the absence of the named Director or Delegatee a confirmatory email which is annexed to this record</i></p>	<p>Name: Robert G Walsh</p> <p>Title: Joint Chief Executive</p> <p>Signed: Robert G Walsh</p> <p>Dated: 6th April 2020</p>
<p>15. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance and Resources (Cllr Shreeve)</p> <p><i>In in the absence of the above named a confirmatory email which is annexed to this record</i></p>	<p>Signed: Cllr Philip Jackson</p> <p>Dated: 3rd April 2020</p> <p>Signed: Cllr Stan Shreeve</p> <p>Dated: 3rd April 2020</p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p> <p><i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i></p>	<p>Name: Cllr Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: Cllr Paul Silvester</p> <p>Dated: 2nd April 2020</p>

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

Appendix 1 - Copy of email confirmation

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 06 April 2020 10:42
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Take it as read.thanks.

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 03 April 2020 17:11
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

The email thread below reflects:

1. Consent to urgency by Scrutiny Chair;
2. Consultation with PFH Finance and Resources;
3. Consultation with Leader.

You are the decision maker.

Having complied with the emergency governance framework I will need either an electronic signature on each Emergency ODR or (preferably) an email from you confirming that as decision maker all attached decisions, being:

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;
4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

are deemed made and completed.

I will then forward to Democratic Services.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk|

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 03 April 2020 13:46
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

I'm content to sign these off, too, though share the concerns voiced by Stan Shreeve.

Kind regards

Councillor Philip Jackson
Leader of North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
Email: Philip.jackson@nelincs.gov.uk
Office: 01472 325905
Alternative: 01472 823740

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 03 April 2020 13:32
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Good afternoon,

Attached are signed decision notices as forwarded this morning.
I have signed all as requested, but can I put on record my disquiet with the ASC measures which are many and seem to be blanket covering just about everything, with no financial impact assessment at present. Please keep these closely under review as the situation develops and close down where possible.

Cllr Stan Shreeve
Portfolio Holder Finance and Resources
Ward Councillor for Humberston and New Waltham
North East Lincolnshire Council
Email: stanley.shreeve@nelince.gov.uk
Tel: 07702 343340

From: Rob Walsh (NELC)
Sent: 03 April 2020 11:43
To: Cllr Philip Jackson (NELC); Cllr Stanley Shreeve (NELC)
Cc: Sharon Wroot (NELC); Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Subject: Emergency Decisions

Importance: High

Philip / Stan

Here is a suite of delegated emergency decisions for your perusal and sign off. In each instance officers have consider all relevant issues and risks and I , with your support, seek authority to formally sign them off for the record.

This is going to become a system / process that will iterate over the coming weeks / months.

For transparency, the full governance trail is set out below.

Rgs

Rob

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 02 April 2020 13:45
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

I have this morning received confirmation from the Communities Scrutiny Chair, Cllr Silvester, as to his consent to the attached decisions. Below.

You are now able to brief Leader and Portfolio Holder for Finance and Resources in accordance with the emergency framework of governance implemented as a result of the COVID-19 emergency.

Confirmatory emails from yourself and Members are sufficient in that scheme to evidence the decision.

Upon completion the decisions and supporting email threads will be subject to publication.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk|

From: PAUL SILVESTER
Sent: 02 April 2020 11:54
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good morning Simon

I have read all of the emergency decision notices and my response as Chair of the Communities Scrutiny panel is as follows

1. Adult Social Care (ASC) decisions; - consent
2. DoL's (Deprivation of Liberties); - consent
3. Economy and Growth Schedule of decisions; - consent
4. Finance and Treasury Management; - consent
5. Immingham Community Recycling Centre (CRC). - consent

Kind regards
Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 01 April 2020 19:04
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions
Importance: High

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record.

Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are "special urgency" provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;

4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

I would suggest that in your response to simply state:

1. Consent/Don't consent;
2. Consent/Don't consent.....etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

2. Is it a Key Decision as defined in the Constitution?

Yes in terms of wards potentially affected.

3. Details of Decision

Reduce kerb side collections of glass, in order to maintain other waste collections and implement enhanced social distancing precautions for staff within the service.

This decision will be implemented within 24 hours, in the following circumstances:

- a) A change in national guidance on appropriate precautions within waste services requiring individual social distancing at all times.
- b) Large increase in local cases or suspected spread of the virus within the waste services staff group.

c) Any other circumstance making it necessary to change methods of working in order to retain sufficient staff resource at work.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes

5. Anticipated outcome(s)

By implementing stricter safety measures in waste we would safeguard staff and industrial relations and retain a settled staff group at work to deliver waste collections throughout the pandemic.

6. Details of any alternative options considered and rejected by the officer when making the decision

- Maintain current risk arrangements-
- Ceasing garden waste collections instead of any reduction in recycling- Garden waste is a pay for service, contributing to around £900,000 in income a year. It is also a greatly valued service by our residents. Accumulation of excessive garden waste at properties could lead to an increase in pests and cause a risk to public health. There is no additional risk to public health from reducing frequency of glass collections.

7. Background documents considered

None

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

Constitutionally where there is an urgent need or where there is a recess in meetings (in my view, *howsoever arising*) the Chief Executive and all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

(i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)

(ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and

(iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.

(iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision.

The Chief Executive has directed that all decisions made in the above circumstances shall be in consultation with the Leader and Portfolio Holder for Finance and Resources (where available)

An appendix is attached giving further particulars around the impact of the above decision.

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

S38 of the Local Government Act 1972 permits the Council –

to incur this expenditure to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event

or

make the grant/loans to other person or bodies on conditions determined by the Council in respect of any such action taken by those persons or bodies.

The Government has indicated that the Council will be fully funded for implementing this measure to tackle the coronavirus pandemic.

A proper record of any spend incurred will be maintained.

With specific regard to this decision, the proposal would limit the impact on loss of recycling income and restrict the need for incurring potentially significant additional costs, which would likely be incurred should additional waste rounds be needed in order to maintain safe protocols for operational staff.

12. Human Resource Comments (Head of People and Culture or nominee)

Within the employment contracts we have the ability to require employees to work any other location within the North East Lincolnshire Council areas, therefore we would need to inform staff of the proposal to move to onsite start up using their own means of transport in order to protect the staff and service delivery.

The service will need to ensure that a fair process is undertaken and consider any individual difficulties when determining which loaders would report to the depot and which would report to site.

13. Risk Assessment (in accordance with the Report Writing Guide)

There is a reputational risk to the Council should we be seen to not provide a safe working environment for our staff, which could lead to a greater reputational risk if staff were to walk out in dispute over working conditions. There is equally a reputational risk to the Council if we are seen to reduce the recycling offer provided to our residents, however this could be managed with an effective communication strategy.

14. Decision Maker(s): <i>In in the absence of the named Director or Delegatee a confirmatory email which is annexed to this record</i>	Name: Robert G Walsh Title: Joint Chief Executive Officer Signed: Robert G Walsh Dated: 14 th April 2020
15. Consultation carried out with Leader: Portfolio Holder for Finance and Resources (Cllr Shreeve)	Signed: Cllr Philip Jackson Dated: 14 th April 2020 Signed: Cllr Stan Shreeve Dated: 14 th April 2020
16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor <i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i>	Name: Cllr Paul Silvester Title: Chair of the Communities Scrutiny Panel Signed: Cllr Paul Silvester Dated: 3 rd April 2020

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

APPENDIX 1

Reduce kerb side collections of glass, in order to maintain other waste collections and implement enhanced social distancing precautions for staff within the service.

Background

The waste service is set up to deliver kerb side collections of domestic waste and recycling from around 75,000 households and garden waste collections from around 25,000 households. The service is staff intensive and requires 75 staff on a daily basis to deliver all collections. Increased absence rates have had an impact on service delivery, which is currently mitigated by additional staff being brought in from agency and redeployment from the wider Council.

Current risk precautions

Following government advice, substantial additional precautions have been implemented within waste services to reduce risk to staff as far as practicable. The current precautions are based on crew by crew separation, with social distancing in place between different crews. Additional reporting of symptoms and PPE is also in place. This is a similar approach taken to the majority of Local Authorities in England, however it is controversial within staff group as it does not implement the 2m rule whilst crews are travelling within the waste vehicle cab. For domestic waste and garden waste our current arrangement results in 3 staff members in each cab and for recycling 4 staff members. On a Local level, trade unions have been closely involved with the changes which has taken place in the work force in response to the outbreak and been supportive of the measures implemented. This is not reflected by action in other areas of the country, particularly in some of the London Boroughs.

Proposed further risk precautions

To reassure staff it is proposed that we limit the number of staff members in each cab to 2 staff members, one driver and one loader sitting at opposite end to ensure a distance of at least 2m. All other current precautions with social distancing at the depot and added PPE would also remain in place. To provide sufficient loaders to complete collections, it is further proposed that we request up to 21 loaders to report directly to crew each morning and complete their daily break away from the refuse vehicle cab. It is proposed that a daily allowance of £15 is paid to each loader volunteering to report to crew. This would provide sufficient compensation for travel costs, additional walking required and a lack of welfare facilities during break times for this staff group.

Service impact of change

To allow implementation of further distancing in vehicle cabs, we would need to find sufficient number of volunteers from our loaders who are able to drive and have access to their own vehicles to travel directly to site.

To make this achievable we would need to reduce the number of loaders on recycling collections from current 4 to 3. This would be achieved by stopping glass collections and focus the resource on plastic, paper and cards. Glass is a solid, inert material, which will not cause any risk to public health if left in gardens for long periods of time.

Glass is also less likely to result in increased littering than paper, card and plastic as it does not blow away.

To assist residents during this time additional glass banks would be placed at local shops. If staffing levels remain higher than expected we would also retain separate monthly glass collections on the kerb side, which would be publicised separate on an area to area basis.

Type of collections	Business as usual	Proposed
Domestic	8 drivers+ 16 loaders	8 drivers +8 loaders at depot + 8 loaders reporting to site
Recycling	9 drivers + 27 loaders	9 drivers +9 loaders at depot + 9 loaders reporting to site
Garden Waste	4 drivers + 8 loaders	4 drivers +4 loaders at depot + 4 loaders reporting to site
Separate Glass collections	N/A	2 drivers + 2 loaders (if staff resource is available)
Bring to sites	1 driver + 1 loader	1 driver + 1 loader
Containers	1 driver	1 driver
Total staffing:	23 drivers + 52 loaders	25 drivers + 45 loaders

To ensure we maintain fairness and support within the driver group, it is further proposed that the current voluntary over time arrangements are standardised, so any driver willing to be available to work until 4pm receive payment for the full period, whether the service finish early or not.

Summary	Amount	Additional Cost per Day (Each)	Total Cost Per Day	Total Weekly Cost	Total Monthly Cost
Grand Total			£315.00	£1,575	£6,820.00

	Amount	Additional Cost per Day (Each)	Total Cost Per Day	Total Weekly Cost	Total Monthly Cost
Domestic Waste					
Compaction Vehicle + Driver + 1 Loader	8	£0.00	£0.00		
Loaders making way to site	8	£15.00	£120.00	£600.00	£2,598
Total		£15.00	£120.00	£600.00	£2,598

Dry Recycling Waste - Existing Toploader	Amount	Additional Cost per Day (Each)	Total Cost Per Day	Total Weekly Cost	Total Monthly Cost
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Toploader Vehicle + Driver + 1 Loader	9	£0.00	£0.00		
Loaders making way to site	9	£15.00	£135.00	£675.00	£2,923
Total		£15.00	£135.00	£675.00	£2,923

	Amount	Additional Cost per Day (Each)	Total Cost Per Day	Total Weekly Cost	Total Monthly Cost
Garden Waste					
Compaction Vehicle + Driver + 1 Loader	4	£0.00	£0.00		
Loaders making way to site	4	£15.00	£60.00	£300.00	£1,299
Total		£15.00	£60.00	£300.00	£1,299

	Amount	Additional Cost per Day (Each)	Total Cost Per Day	Total Weekly Cost	Total Monthly Cost
Glass Waste Collection					
Toploader Vehicle + Driver + 1 Loader	2	£0.00	£0.00		
Loaders making way to site	0	£20.00	£0.00	£0.00	£0.00
Total		£20.00	£0.00	£0.00	£0.00

The additional cost of standardising over time for drivers to 4pm for any staff member being willing to be available for work is expected to be around £1500

The total cost of the proposal is £6,820. The saving achieved by the revised service offer requiring 7 less loaders at work each day would be £11,788 a months, making the proposal a saving. However, as the intention of the service is to attempt to retain some kerb side collection of glass if staff availability remains good, this saving may reduce.

By implementing stricter safety measures in waste we would safeguard staff and industrial relations and retain a settled staff group at work to deliver waste collections throughout the pandemic.

APPENDIX 2 – copy of email approval

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 14 April 2020 17:24
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency ODR - Reduction in recycling offer.

herewith

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 14 April 2020 17:13
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Subject: FW: Emergency ODR - Reduction in recycling offer.

Rob.

Again as decision maker I need a confirmation email from you as to the attached.
Email thread below for reference.

Philip is an “in principle” agreement – wanting further consultation should the need
for implementation arise. Carolina aware.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk|

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 14 April 2020 16:24
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency ODR - Reduction in recycling offer.

Thanks Simon – yes, that’s fine.

Regards
Philip

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 14 April 2020 16:20
To: Cllr Philip Jackson (NELC)
Subject: RE: Emergency ODR - Reduction in recycling offer.

Of course Philip, thank you – I’ll feed that back to Carolina and Clive.
In the meantime I’ll regard your approval so as to be “in principle”.
Regards,

Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 14 April 2020 16:17
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC)
<Stanley.Shreeve@Nelincs.gov.uk>
Subject: RE: Emergency ODR - Reduction in recycling offer.

Hi Simon

Sorry for not getting back to you sooner on this one. Having myself read and interpreted the guidance to which Carolina signposted us, I would want to have a discussion to be satisfied as to the exact rationale for triggering a decision to defer glass recycling collections, should that be the wish.

Kind regards
Philip

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 14 April 2020 16:00
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Cc: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Subject: Re: Emergency ODR - Reduction in recycling offer.

Simon

Confirmed

Stan
Sent from my iPhone

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 14 April 2020 15:46
To: Cllr Philip Jackson (NELC); Cllr Stanley Shreeve (NELC)
Subject: FW: Emergency ODR - Reduction in recycling offer.

Leader/Councillor.

See below. I can't trace a specific response from you.
Can you please confirm that you're happy to agree given Carolina's comments and on the understanding that once the decision is triggered the basis for implementation will be confirmed?

(Potential reduction in recycling offer to defer glass collection).

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk

From: PAUL SILVESTER <paul.silvester@btconnect.com>
Sent: 03 April 2020 12:13
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good afternoon Simon

I have read the emergency decision notices and my response as Chair of the Communities Scrutiny panel is as follows

1. Recycling reduction. - consent
Kind regards

Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 03 April 2020 11:05
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Subject: FW: >>PLEASE READ AND RESPOND<< Emergency Decisions

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record.

Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are "special urgency" provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting. As a result of social distancing and isolation, wet signatures cannot be obtained. Therefore there will be reliance on an exchange of emails to evidence your consent. This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Recycling reduction.

I would suggest that in your response to simply state:

1. Consent/Don't consent;
etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

(a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and

(b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

Financial support to care providers

In response to the Covid-19 pandemic, the Government has announced additional funding to councils to help them meet the increased demand for adult social care and to provide additional support to social care providers.

The following outlines the financial support the council is making available to care providers to ensure essential services continue and that the local adult care market is supported and financially resilient during the period of emergency.

Scope

Support / help in accessing national or local government business support schemes will be available to all contracted and non-contracted care and support providers. These are available across the following range of provision: residential and nursing care homes; support at home, supported living, personal support and direct payments.

Support to businesses in North East Lincolnshire is available through a range of schemes managed and funded by central government along with local schemes administered via the council. Adult social care providers are advised to ensure they investigate and access these support streams where possible, to maximise support during this period.

Cash flow support to adult social care providers

The council understands providers may have concerns relating to cash flows to their business during this period of uncertainty. To ensure providers are able to focus on providing high quality care to support our most vulnerable people within the borough the council will seek to alleviate cash flow concerns through the following measures:

- Invoices will be paid quickly and efficiently on receipt, following the payment period end. The council has enabled electronic submission of invoices to facilitate this.
- Support at home providers and supported living providers will be paid in line with their previous month's invoice, providing an income guarantee.
- Support at home providers should continue to access just checking funding and respond accordingly to unexpected changes in individuals' care needs. You need to note that this is Covid-19 related expenditure on your monthly submission
- Residential and nursing care homes will be maintained at current commissioned occupancy levels, as at 30th March 2020. This gives an income guarantee. If levels of commissioned activity fall below the March 30th level the council will fund the void based on current weekly base fee rate.
- Block contract payments to support providers will continue to be made in line with agreed contractual arrangements
- Payments will continue to be made to direct payment recipients 4 weekly in advance and will not be adjusted for temporary decreases to their planned care.

It is a requirement that throughout the Covid-19 emergency, all providers fully co-operate in the management of patient and resident flow through the health and care system by maintaining access to care placements. Social care must not impede access to hospital beds that will be required for intensive and critical care during the emergency response. The council may review payment arrangements where providers are not fully co-operating with the system response.

Providers have been reminded that their business continuity plans should ensure that appropriate workforce is in place to ensure safe and effective care delivery.

Workforce / additional costs support

To enable providers the flexibility to respond to emerging issues within their business relating to Covid-19, the council will make available contingency funding in the form of a one off lump sum. This will allow providers to manage staffing issues, essential set up costs, and any other reasonable costs, in excess of their usual business operations, in response to the covid19 emergency. By offering a lump sum payment in this way we will not affect service user charges, keeping this simpler and easier to manage. This will be paid to providers April 2020.

The one off lump sum payment (based on a percentage of care payments /overall occupancy as at 30th March 2020) is intended to be used for:

- increased costs due to use of temporary or backfill staff e.g. agency costs.
- increased costs due to staff recruitment and DBS checks
- Increased overtime pay costs due to higher staff sickness absences.
- Increased travel time due to disruption to planned care delivery
- Increased costs associated with enhanced infection control eg. cleaning or additional equipment or PPE costs.
- Other related costs e.g. administration / management.

The council expects care providers to deploy their staff flexibly, hire additional staff or use agency staff to meet increased demand or to ensure continuity of service. The council will expect an “open book” approach to expenditure reasonably incurred by providers to support the emergency response.

The council is also expecting providers to look outside of their own organisation to work collaboratively with other providers and the wider care system to ensure all people of North East Lincolnshire, regardless of care setting, continue to receive the appropriate care.

The above details will be reviewed regularly and updated in line with new developments and changes to support arrangements.

Detailed financial considerations

Summary of financial implications

	Contingency fund at 5%	Contingency fund at 4%	Contingency fund at 3%	Contingency fund at 2%	Contingency fund at 1%
	£	£	£	£	£
Support at Home Contingency	91,800	69,500	51,200	32,900	18,200
Support at Home income guarantee	TBC	TBC	TBC	TBC	TBC
Support at home additional just checking	100,000	100,000	100,000	100,000	100,000
Residential and Nursing contingency	382,100	306,000	229,300	152,600	76,300
Residential and Nursing income guarantee	TBC	TBC	TBC	TBC	TBC
Supported Living contingency	118,000	94,400	70,600	47,200	23,600
Supported Living income guarantee	TBC	TBC	TBC	TBC	TBC
Total of known costs	691,900	569,900	451,100	332,700	218,100

TBC data - would be the same value across all contingency options

Support at Home

1. Lump sum payment to providers

Proposals:

- A lump sum payment at the 5% value will be made
- This will be offered in 2 parts, 3% initially and 2% as the emergency progresses. The second payment will be triggered based on feedback from providers or if the emergency continues.
- It is proposed each lead/approved provider would receive the same value, there is minimal difference between them and activity levels in the short term are likely to change between providers, this also keeps them "equal".
- Intermediate care at home and Navigo would contain the pressures within their main contract values.
- The above calculations would not include support for providers in relation to their levels of self-funder activity. This may have to be reviewed depending on the longevity of the emergency or if a provider is in financial difficulty.

2. Just Checking

This is an existing funding stream available to lead/approved providers. This enables providers to flex packages of care as needs change without having to go through additional assessment processes or authorisation procedures. The proposal is to increase this contingency funding by £100k to optimise provider flexibility.

3. Sustaining provider payments

We would pay providers an average over their past 3 months' payment periods to guarantee a level of income. Additional costs due to this are difficult to quantify, it would cover unplanned cancelled calls e.g. on the day, allow resources to be re-deployed and maintain staff in post.

Residential and Nursing Providers

4. Contingency fund

It is proposed to offer contingency funding as a lump sum payment at the 5% level as per the table attached. The offer would be for 3% to be paid initially and a further 2% as the emergency response continues.

An income guarantee will be offered calculated at total occupancy 30th March 20 based on the base residential or nursing care fee rate for 12 weeks.

Considerations:

- The table above only includes in area providers, a separate piece of work is being undertaken to understand extent of out of area provider costs per commissioned placements (as we do not hold data on total occupancy).
- There are differing levels of self funders in each home. Void coverage will only be offered in relation to NEL commissioned placements and not all self funder voids. This decision can be reviewed if providers run into difficulties.

- Further support may be needed if a home was to suffer a COVID19 outbreak.
- costs in relation to void cover is difficult to estimate. We will be able to collate information after each month to identify costs associated with void cover.

Supported Living

5. Contingency Funding

It is proposed to offer contingency funding as a lump sum payment at the 5% level as per the table attached. The offer would be for 3% to be paid initially and a further 2% as the emergency response continues.

- The calculations identify in and out of area providers. Further guidance will be sought from ADASS in relation to out of area placements.
- As before it will be assumed that Navigo extra would contain pressures within their existing contracts.

Income guarantee

As before, additional costs due to guaranteeing income is difficult to quantify, it would cover unplanned cancelled calls e.g. short notice, on the day.

Other Issues for consideration:

CCG contracted housing related support will continue to be paid on block arrangement. This ideally needs to be aligned to the councils approach for the wider HRS programme.

Guidance is being sought from NHS commissioners as to the approach that will be taken in relation to sustaining provision for continuing health care.

2. Is it a Key Decision as defined in the Constitution?

Yes - value over £350k and affects all wards

3. Details of Decision

Financial support to enable sustainability of adult social care provision in North East Lincolnshire

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes

5. Anticipated outcome(s)

Additional funding and support be allocated to residential, care at home and supported living providers in North East Lincolnshire; this package of measures at present is limited to in area provision; advice is being sought from ADASS regarding out of area provision and direct payment provisions

6. Details of any alternative options considered and rejected by the officer when making the decision

In developing these proposals, consideration has been given to national advice

7. Background documents considered

None

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

Constitutionally where there is an urgent need or where there is a recess in meetings (in my view, *howsoever arising*) the Chief Executive and all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

(i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)

(ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and

(iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.

(iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision.

The Chief Executive has directed that all decisions made in the above circumstances shall be in consultation with the Leader and Portfolio Holder for Finance and Resources (where available)

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The council has received a S31 Grant of £5.2m to meet additional costs in respect of the COVID 19 pandemic. The Health sector has also received additional allocation.

Whilst the payment to the Council is through an unringfenced S31 grant the guidance has been clear that it is expected that the majority of this will be used in meeting additional social care costs, e.g., adults and children.

Some of the measures outlined within the cash flow measures will be met at least in part from existing budget envelopes particularly around block sum payments, payments to residential homes, payments in advance to providers etc. Other payments to providers to ensure sustainability will be additional cost and will be a call on the £5.2m.

It is essential that during this period strict controls and principles are maintained and followed to prevent and mitigate significant financial pressures on the Council in future. To this end it needs to be ensured all additional costs are charged to the appropriate funding area, eg, the funding of all discharge packages, in all care settings, for those patients discharged on or after the 19th March are being met by the additional CCG / health funding; that providers claim whatever help they can from central government / other agencies where this is possible and the expected route and that as recommended in the report all recipients of this additional financial assistance from the Council agree to an open book approach and there is not a situation where providers have profited from this pandemic.

It is noted that the costs quoted are a best estimate and depending on the time the pandemic situation remains in place are likely to increase. To avoid costs increasing and to ensure effective governance of decisions it is recommended that this ODR approves costs capped at a £1m and if or when this amount is reached an additional approval is required.

12. Human Resource Comments (Head of People and Culture or nominee)

There are no direct HR implications contained within this ODR

13. Risk Assessment (in accordance with the Report Writing Guide)

The proposal has been prepared in line with national guidance which has been developed to ensure that during the pandemic, local care providers can sustain their business operations during a period of uncertainty and change. Care businesses will face instability in terms of peaks and troughs in demand for services as a result of the epidemic and it can be anticipated that there will be staff shortages as a result of staff members self-isolating. The measures proposed in this decision record acknowledge that providers may face higher than usual staff costs due to the need to source additional capacity from agencies, or due to the need to fund overtime to ensure that safe care can continue to be delivered. Providers will also have other unforeseen business costs, for example additional food costs if usual supplies are interrupted, sourcing additional PPE etc. The proposed measures aim to mitigate the risk of business failures. It is important to maintain safe and effective adult social care services to enable the flow of patients into and out of the hospital system, so that those requiring critical and intensive care can access the treatment required. By offering a guaranteed income level and a lump sum payment the council will be assisting in the management of these risks, thereby helping to protect the health and wellbeing of local people during the crisis. There is a risk that post COVID there will be an expectation of higher levels of care activity than is currently the norm and that these will represent an on-going cost to ASC budgets. To reduce this risk, social workers will have to ensure that placements into adult social care as a result of the epidemic are managed as short term placements and moved on quickly to usual residence.

<p>14. Decision Maker(s):</p> <p><i>In in the absence of the named Director or Delegatee a confirmatory email which is annexed to this record</i></p>	<p>Name: Robert G Walsh</p> <p>Title: Joint Chief Executive</p> <p>Signed: Robert G Walsh</p> <p>Dated: 16th April 2020</p>
<p>15. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance and Resources (Cllr Shreeve)</p> <p><i>In in the absence of the above named a confirmatory email which is annexed to this record</i></p>	<p>Signed: Councillor Philip Jackson</p> <p>Dated: 16th April 2020</p> <p>Signed: Councillor Stan Shreeve</p> <p>Dated: 16th April 2020</p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p> <p><i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i></p>	<p>Name: Councillor Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: Councillor Paul Silvester</p> <p>Dated: 15th April 2020</p>

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

Appendix 1 – email confirmation

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 16 April 2020 15:15
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: >>PLEASE READ AND RESPOND<< Emergency Decisions

Confirmatory email from me accordingly.

Sent with Email

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 16 April 2020 15:13
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC)
<Stanley.Shreeve@Nelincs.gov.uk>
Cc: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: >>PLEASE READ AND RESPOND<< Emergency Decisions

I support both of these but, like Stan, are keen to see that we robustly monitor the adult social care spend.

Regards
Philip

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 16 April 2020 13:31
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Simon Jones
(Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Rob

Delay in HRP. - consent
Financial support for care providers. - consent

Happy to support both proposals, whilst acknowledging that the social care measures are complex and require close monitoring. I look forward to appropriate updates on this matter in particular.

Stan

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 15 April 2020 11:24
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions

Rob.

I have this morning received confirmation from the Communities Scrutiny Chair, Cllr Silvester, as to his consent to the attached decisions. Below.

You are now able to brief Leader and Portfolio Holder for Finance and Resources in accordance with the emergency framework of governance implemented as a result of the COVID-19 emergency.

Confirmatory emails from yourself and Members are sufficient in that scheme to evidence the decision.

Upon completion the decisions and supporting email threads will be subject to publication.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk

From: PAUL SILVESTER
Sent: 15 April 2020 11:10
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good morning Simon

I have read the emergency decision notices and my response as Chair of the Communities Scrutiny panel is as follows

1. Delay in HRP implementation; - consent
2. To ensure care provider resilience and sustainability - consent.

Kind regards

Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 15 April 2020 10:35
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record. Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are “special urgency” provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Delay in HRP implementation; and
2. To ensure care provider resilience and sustainability.
- 3.

I would suggest that in your response to simply state:

1. Consent/Don't consent;
2. Consent/Don't consent.....etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

(a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and

(b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

2. Is it a Key Decision as defined in the Constitution?

No

3. Details of Decision

Due to the COVID-19 emergency delays are being experienced in the implementation of the HRP system as team are deployed to critical business areas. Dialogue with provider has been met positively and with understanding.

1. To delay implementation of HRP system for 3 months.

A delay will enable resource to be directed in addressing the COVID-19 emergency. There will be cost implications as set out below.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes

5. Anticipated outcome(s)

Delay of three months.

Extension of current payroll provider due to cease January 2021 to March 2021 with resultant cost.

Extension of implementation team's engagement, with resultant cost.

However, given that the delay and cost is directly attributable to the Covid emergency there is scope to recoup the cost from central government.

6. Details of any alternative options considered and rejected by the officer when making the decision

To not manage with the current and prospective provider would potentially compromise the Council's position in respect of both contracts.

7. Background documents considered

None

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

Constitutionally where there is an urgent need or where there is a recess in meetings (in my view, *howsoever arising*) the Chief Executive and all Directors shall be

empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

- (i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)
- (ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and
- (iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.
- (iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision.

The Chief Executive has directed that all decisions made in the above circumstances shall be in consultation with the Leader and Portfolio Holder for Finance and Resources (where available)

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The delay will lead to additional cost as an extension of the current payroll contract will be required and the implementation team's engagement will have to be extended. There may be scope to recoup the cost from central government as part of Covi-19 compensation arrangements.

12. Human Resource Comments (Head of People and Culture or nominee)

Extending the current system contract and delaying the implementation of the new system has limited risk and no impact on the Councils ability to ensure that staff are paid and that we have governance around our employees data.

13. Risk Assessment (in accordance with the Report Writing Guide)

The decision to delay the implementation of the system carries limited risk. The council has a functioning HR system in place and an extension to the current contract can be obtained, albeit at a cost. The opportunities available from the implementation of a new system remain but will not be realised as quickly.

<p>14. Decision Maker(s):</p> <p><i>In the absence of the named Director or Delegatee a confirmatory email which is annexed to this record</i></p>	<p>Name: Robert G Walsh</p> <p>Title: Joint Chief Executive Officer</p> <p>Signed: Robert G Walsh</p> <p>Dated: 16th April 2020</p>
<p>15. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance and Resources (Cllr Shreeve)</p>	<p>Signed: Cllr Philip Jackson</p> <p>Dated: 16th April 2020</p> <p>Signed: Cllr Stan Shreeve</p> <p>Dated: 16th April 2020</p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p> <p><i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i></p>	<p>Name: Cllr Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: Cllr Paul Silvester</p> <p>Dated: 15th April 2020</p>

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

APPENDIX 1 - Covid-19 Financial Impact Assessment

Issue

1. Financial impact to the HRP System Project within People and Culture, due to the potential increase of project related costs in relation to pausing non critical activity for a period of up to three months.

This will mean that costs may be incurred for a period of up to three months in January 2021 onwards, relating to extension of the current system (due to cease in January 2021).

System Costs below

2. There are also potential costs relating to Full Time Contract extensions of up to three months as a direct result of the above, and more than like to occur as the HRP project team are providing emergency resource to the Workforce and Governance team.

Costs have been detailed in the table below as **FTC Extension Costs**

At this moment in time, there are no other predicted costs as the vendor will still be able to complete works within the 2020/2021 financial year and receive all original contract costs. There should be no need for a contract variation as stated by the provider if we do not delay the project more than 3 months in relation to all activity (we are currently only postponing non critical activity).

Financial Impact (complete the table and use the issue numbers you have provided above)

Issue No.	Heading	Cost Centre (if known)	Additional Cost/ Loss of Income/ Other	1 Month Impact (£000s)	3 Month Impact (£000s)	6 Month Impact (£000s)	12 Month Impact (£000s)
1	System Costs	P&C W&G, Capital	Approx up to £18k	£0	£0	£0	£18,000
2	FTC Extension Costs	P&C W&G, Capital	Approx up to £30k	£0	£0	£0	£30,000
3							
4							
5							
Total				0	0	0	

Issue No.	Issue Name	Cost Centre (if known)	Additional Cost/ Loss of Income/ Other	1 Month Impact (£000s)	3 Month Impact (£000s)	6 Month Impact (£000s)
1	Cancelled bookings	A0001	Loss of income	2	6	12
2	Agency staffing	A1000	Additional cost	1	10	50
Total				3	16	62

Appendix 2 – email confirmation

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 16 April 2020 15:15
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: >>PLEASE READ AND RESPOND<< Emergency Decisions

Confirmatory email from me accordingly.

Sent with Email

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 16 April 2020 15:13
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC)
<Stanley.Shreeve@Nelincs.gov.uk>
Cc: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: >>PLEASE READ AND RESPOND<< Emergency Decisions

I support both of these but, like Stan, are keen to see that we robustly monitor the adult social care spend.

Regards
Philip

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 16 April 2020 13:31
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Simon Jones
(Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Rob

Delay in HRP. - consent
Financial support for care providers. - consent

Happy to support both proposals, whilst acknowledging that the social care measures are complex and require close monitoring. I look forward to appropriate updates on this matter in particular.

Stan

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 15 April 2020 11:24
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions

Rob.

I have this morning received confirmation from the Communities Scrutiny Chair, Cllr Silvester, as to his consent to the attached decisions. Below.

You are now able to brief Leader and Portfolio Holder for Finance and Resources in accordance with the emergency framework of governance implemented as a result of the COVID-19 emergency.

Confirmatory emails from yourself and Members are sufficient in that scheme to evidence the decision.

Upon completion the decisions and supporting email threads will be subject to publication.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk

From: PAUL SILVESTER
Sent: 15 April 2020 11:10
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good morning Simon

I have read the emergency decision notices and my response as Chair of the Communities Scrutiny panel is as follows

1. Delay in HRP implementation; - consent
2. To ensure care provider resilience and sustainability - consent.

Kind regards

Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 15 April 2020 10:35
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record. Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are “special urgency” provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Delay in HRP implementation; and
2. To ensure care provider resilience and sustainability.
- 3.

I would suggest that in your response to simply state:

1. Consent/Don't consent;
2. Consent/Don't consent.....etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

Emergency Business Support Grant Funding

In response to the Coronavirus, Covid – 19, the Government announced there would be support for small businesses, and businesses in the retail, hospitality and leisure sectors.

This support was in the form of two grant funding schemes, the Small Business Grant Fund and the Retail, Hospitality and Leisure Grant Fund.

Local Authorities are responsible for making payments to businesses.

How much funding will be provided to businesses?

Under the Small Business Grant Fund (SBGF) all businesses in England in receipt of Small Business Rates Relief (SBRR) and Rural Rates Relief (RRR) in the business rates system will be eligible for a payment of £10,000 in line with the eligibility criteria.

Under the Retail, Hospitality and Leisure Grant (RHLG) businesses in England in receipt of the Expanded Retail Discount (which covers retail, hospitality and leisure) with a rateable value of less than £51,000 will be eligible for the following cash grants per property:

- Eligible businesses in these sectors with a property that has a rateable value of up to £15,000 will receive a grant of £10,000, in line with the eligibility criteria.
- Eligible businesses in these sectors with a property that has a rateable value of over £15,000 and less than £51,000 will receive a grant of £25,000, in line with the eligibility criteria.

Businesses with a rateable value of £51,000 or over are not eligible for this scheme. Businesses which are not ratepayers in the business rates system are not included in this scheme

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

2. Is it a Key Decision as defined in the Constitution?

Yes

To Increase the counterparty limit to a single Money Market Fund (MMF) and Funds under Group Management limits beyond those approved in the 2020-21 Treasury Management Strategy to allow residual Business Support Grant balances to be efficiently managed.

3. Details of Decision

In order to continue to support the on-going distribution of Business Support Grants (BSG) in a timely and optimal manner it will be more efficient to invest the residual balance of grant in a MMF to allow immediate access as required. This would require the counterparty limits and Group Pooled Fund within the TMSS to be amended solely for the investment of this funding and will not apply to the Business as Usual aspects of Treasury Management.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

The Department for Business, Energy and Industrial Strategy (BEIS) requires Local Authorities to continue to distribute BSG and has issued additional funding and guidance around a more discretionary element of the scheme. This will be more an application process around agreed criteria and therefore payments of grant will be more ad hoc. To support this process a change to the TMSS will allow improved cashflow management of the residual balance of grant.

5. Anticipated outcome(s)

Reduced number of daily investments within the Treasury Team as funding will be placed in an on call account.

6. Details of any alternative options considered and rejected by the officer when making the decision

In respect of the cash flow logistics of distributing residual grant in line with the Treasury Management Strategy (TMSS) one option is the continuation of current arrangements whereby the grant is invested overnight in the DMO and returned each morning to be used then returned overnight. This worked well when the volume and value of daily payments was high and regular, although has been resource intensive in terms of daily investments, authorisers and releaser input. We have moved into a more unpredictable phase in terms of distribution and it would be more efficient to use an on call MMF.

We could leave the BSG funds in our main bank account to be swept up by future payments. This would require a similar ODR as our bank's counterparty limit would be breached. There would be no separation of BSG monies from the rest of the Council's funds under this option, requiring additional reconciliation. We would also be taking single-counterparty risk at the lower end of our Approved Rating scale

To utilise the Blackrock Institutional Sterling Government Liquidity Fund. This fund only invests in Sterling denominated Sovereign debt so offers a similar Credit Risk profile to DMO. This is the preferred option.

7. Background documents considered

Treasury Management Strategy
<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-business-support-grant-funding>

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No.

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None.

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

Constitutionally where there is an urgent need or where there is a recess in meetings (in my view, howsoever arising) the Chief Executive and all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

- (i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)
- (ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and
- (iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.
- (iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision.

The Chief Executive has directed that all decisions made in the above circumstances shall be in consultation with the Leader and Portfolio Holder for Finance and Resources (where available)

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

S138 of the Local Government Act 1972 permits the Council to make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies to alleviate the potential effects of the Covid-19 virus within the local community.

The Authority received £35.4m Business Support Grant at the beginning of April 2020 and is required to administer payment of individual grants to qualifying businesses to assist them during the Covid-19 crisis.

As at 7/5/2020 £25m had been dispersed, leaving c£10m remaining. Claims against the grant, while continuing to be seen, have slowed considerably.

To date, the Treasury function has rolled over the reducing balance with Debt Management Office (DMO) each day. This is an officer intensive process and carries execution risk. Whilst this was fully warranted during the early phase of the Covid-19 shutdown a new approach is proposed to enable the function (and wider Finance staff involved) to prioritise other tasks.

The change to the TMSS will allow the continued security of BSG but increase the resilience of the service as it will mean Treasury staff and other finance colleagues responsible for approving, releasing, allocating and monitoring the payments are required less.

12. Human Resource Comments (Head of People and Culture or nominee)

There are no direct HR implications contained within this ODR.

13. Risk Assessment (in accordance with the Report Writing Guide)	
<p>To utilise the Blackrock Institutional Sterling Government Liquidity Fund. This fund only invests in Sterling denominated Sovereign debt so offers a similar Credit Risk profile to DMO.</p> <p>As one of our existing funds is also managed by Blackrock this will also mean the limit for Pooled Funds under same Group management limit (£5m) will need increasing.</p> <p>Our Treasury Advisors, Link Asset Services have been consulted on this approach and are supportive.</p> <p>The proposed new limits are</p> <p>Blackrock Institutional Sterling Government Liquidity Fund - £10m Blackrock Group Pooled Funds - £13m</p> <p>These limits will apply solely for the use of residual BSG balances and will not be aggregated when calculating other general Treasury limits (except for the Blackrock MMF Group to the maximum level specified above).</p> <p>The increased limits will apply only until BSG balances are exhausted or 31.12.2020 (whichever is sooner).</p>	
14. Decision Maker(s): <i>In in the absence of the named Director or Delegate a confirmatory email which is annexed to this record</i>	<p>Name: Robert G Walsh</p> <p>Title: Joint Chief Executive</p> <p>Signed: Robert G Walsh</p> <p>Dated: 13th May 2020</p>
15. Consultation carried out with Leader (Cllr Jackson): Portfolio Holder for Finance and Resources (Cllr Shreeve)	<p>Signed: Councillor Philip Jackson</p> <p>Dated: 13th May 2020</p> <p>Signed: Councillor Stan Shreeve</p> <p>Dated: 12th May 2020</p>
16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor <i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i>	<p>Name: Councillor Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: Councillor Paul Silvester</p> <p>Dated: 12th May 2020</p>

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

APPENDIX 2 – copy of email approval

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 13 May 2020 07:13
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: FW: FW: Emergency decision: Business Support Grants ODR TMSS Flex 2

I also confirm support.

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 13 May 2020 07:12
To: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>; Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: FW: Emergency decision: Business Support Grants ODR TMSS Flex 2

Rob

I'm also content with this.

Regards
Philip

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 12 May 2020 23:12
To: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Rob Walsh (NELC)
<Rob.Walsh@Nelincs.gov.uk>
Cc: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: FW: Emergency decision: Business Support Grants ODR TMSS Flex 2

Rob,

Content with the decision

Cllr Stan Shreeve

Sent with Sophos Secure Email

On 12 May 2020 22:03, "Rob Walsh (NELC)" Wrote:
Philip / Stan

See below for consideration and requested approval.

Thanks

Rob

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 12 May 2020 17:37
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Subject: Emergency decision: Business Support Grants ODR TMSS Flex 2

Rob.

I have now received confirmation from the Communities Scrutiny Chair, Cllr Silvester, as to his consent to the attached decision. Below.
You are now able to brief Leader and Portfolio Holder for Finance and Resources in accordance with the emergency framework of governance implemented as a result of the COVID-19 emergency.

Confirmatory emails from yourself and Members are sufficient in that scheme to evidence the decision.

Upon completion the decisions and supporting email threads will be subject to publication.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk

Stay home. Protect the NHS. Save lives.

From: PAUL SILVESTER
Sent: 12 May 2020 17:32
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: Business Support Grants ODR TMSS Flex 2

Good afternoon Simon

I have read the emergency decision notices and my response as Chair of the Communities Scrutiny panel is as follows

1. Business Support Grants – Treasury considerations.= consent

Kind regards

Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 12 May 2020 15:44
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Subject: Business Support Grants ODR TMSS Flex 2

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record.

Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are "special urgency" provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Business Support Grants – Treasury considerations.

I would suggest that in your response to simply state:

1. Consent/Don't consent;

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk