



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.

The total value of the COVID-19 Bus Services Support Grant (CBSSG) is £67,031.

3. Details of Decision

The local transport authority element of COVID-19 Bus Services Support Grant (CBSSG) is being allocated to support local bus services such as tendered bus services that may be experiencing revenue shortfalls, and to help support any adjustments to services required by the authority following discussions with operators. The aim is to ensure that local bus services continue to operate in the right places, and at the right times of day, during the COVID-19 outbreak.

There are two parts to this funding, one for local transport authorities (LTA – North East Lincolnshire Council is an LTA) and one for bus operators.

North East Lincolnshire Council (NELC) must check with operators to make clear which services (or parts of services) will attract Local Transport Authority CBSSG funding and which ones the operator will be claiming separately from operator CBSSG (to avoid any double funding).

All bus operators who receive the bus operator element of CBSSG will be expected to make available sufficient capacity to run up to 50 per cent of normal service capacity. This is in part based on the assumption that local bus operators continue to receive funding from the relevant local authority at pre-pandemic levels.

CBSSG will initially run for a period of up to three months (12 weeks). LTAs will receive monthly payments over the period of the scheme. Individual authority allocations have been calculated based on historic supported service mileage.

North East Lincolnshire Council CBSSG Allocation

North East Lincolnshire Council has been allocated a grant of £67,031 per 12 week period.

Options

The following individual and/or combined options are available (development in partnership with Stagecoach East Midlands) for consideration by North East Lincolnshire Council:

Option 1 – Revenue Replacement for tendered bus services - The 1, 2 and 20 bus service is operated on a 'minimum subsidy' basis, which means that the commercial bus operator, Stagecoach, takes the financial risk. Revenue has fallen (Stagecoach have confirmed revenue has fallen in the residential areas of the 1, 2 & 20 service such as Gilbey Road, Corporation Road etc) during the coronavirus outbreak. There is the risk that revenue continues to fall after the grant period ends.

Lost revenue on the 1, 2 & 20 tender is estimated £7,710 per 12 week period.

Option 2 – Additional bus on Service 20 - The key workers' journey from Cleethorpes Pier at 05:10am requires the operation of an additional bus to ensure social distancing. CBSSG funding can be used to cover additional running costs provided that the operator does not make a profit. There is the risk that social distancing requirement continues after the grant period ends.

The cost of the extra bus on the 20 service is estimated at £3,180 per 12 week period.

Option 3 – Grimsby Hospital - Demand Responsive Shuttle Bus – To mitigate the impact of the reduced local bus network (due to COVID-19) in North East Lincolnshire on key workers employed at Grimsby Hospital, Stagecoach propose a shuttle service trial which offers morning journeys in addition to the afternoon journeys which can be booked through a mobile app. The shuttles would only be available to NHS staff at Grimsby Hospital, the service would be free to use with passengers showing their NHS

ID card to the driver for verification. Stagecoach would fund the first four weeks with CBSSG funding a further 12 weeks of the trial giving a four month trial in total.

There is the risk that offering a bespoke service just for the NHS, other key workers and organisations may request a similar service. There is also the risk the Council may receive complaints should the shuttle service be withdrawn after the trial (to continue the service would cost in the region of £216,000 per year).

The cost of running the NHS DRT is £18,000 per 4 week period. Stagecoach would fund the first four week period with CBSSG funding a further 12 weeks. The total cost of the trial to NELC is estimated at £54,000.

Option 4 – Four additional Bank Holiday Europarc bus services - Due to COVID-19, Europarc businesses (food processing factories) reported additional demand from Supermarkets and needed to ensure key workers could get to work during bank holidays. Therefore, the local authority agreed to run the Europarc bus service on 10 and 13 April and 8 and 25 May 2020 and DfT have confirmed it is possible for the local authority to claim the associated costs.

The cost of running the Europarc bus service per bank holiday is £535.30, therefore North East Lincolnshire Council will be able to claim £2,141.30 from the COVID-19 Bus Services Support Grant (CBSSG).

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, due to COVID-19 and the need to ensure the Department for Transport Grant is spent within the COVID-19 period and to ensure the grant terms and conditions are adhered to.

5. Anticipated outcome(s)

Options 1 to 4 are recommended and the costs can be broken down by:

Option	Per 12 week period
Option 1	£7,710
Option 2	£3,180
Option 3	£54,000
Option 4	£2,141
Total Cost	£67,031
CBSSG Budget	£67,031
Remaining CBSSG Budget	£0

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

Option 5 – Do nothing and return the Grant to the Department for Transport -
This option will require the local authority return the grant to the DfT and does not take the opportunity to support local bus operators financially through COVID-19 and it carries the potential risk of local bus service cancellations.

7. Background documents considered

Letter from Department for Transport (9 April 2020) to Local Transport Authorities
“COVID-19 Bus Services Support Grant”

Letter from Department for Transport (20 May 2020) to Local Transport Authorities
“COVID-19 BUS SERVICES SUPPORT GRANT FOR LOCAL TRANSPORT
AUTHORITIES (REVENUE) GRANT DETERMINATION 2020-21: No 31/5023”

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

Not applicable.

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.

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.

Clearly it would be wise to take advantage of any funding on offer to ameliorate travel difficulties presented by the COVID crisis.

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

The acceptance and usage of the grant will help support local bus services. Funding is not currently available for any extension of support beyond the periods outlined within the ODR and no commitment should be made without identification of budget to cover the potential cost.

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

There are no direct HR implications

13. Public Health Comments (Director of Public Health or nominee)

Not sought

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

Grant Terms and Conditions

The grant paid to each local transport authority under this determination may be used only for the purposes of supporting local bus services during the COVID-19 outbreak, which is a period of up to three months (12 weeks), subject to regular reviews.

The Chief Executive and Chief Internal Auditor of each of the recipient local transport authorities are required to sign and return to a declaration.

At the end of the CBSSG period, local authorities will be required to provide DfT, and publish on their websites, information on the services that the grant was used to support, with DfT to provide a template in due course.

Any underspend will need to be returned to DfT.

Key risks associated with each option

Option 1 – Revenue Replacement for tendered bus services - There is the risk that revenue continues to fall after the grant period ends.

Option 2 – Additional bus on the Service 20 - There is the risk that social distancing requirements continues after the grant period ends.

Option 3 – Grimsby Hospital - Demand Responsive Shuttle Bus - There is the risk that offering a bespoke service just for the NHS, other key workers and organisations may request a similar service. There is also the risk the Council may receive complaints should the shuttle service be withdrawn after the trial (to continue the service would cost in the region of £216,000 per year).

Option 4 – Four additional Bank Holiday Europarc bus services - Due to COVID-19 – There are no risks associated with option 5.

Option 5 – Do nothing and return the Grant to the Department for Transport - Should the local authority not take the opportunity to support local bus operators financially through COVID-19 and it carries the potential risk of local bus service cancellations.

<p>15. 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 Officer</p> <p>Signed: Robert G Walsh</p> <p>Dated: 12th June 2020</p>
<p>16. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance and Resources (Cllr Shreeve)</p>	<p>Signed: Councillor Philip Jackson</p> <p>Dated: 12th June 2020</p> <p>Signed: Councillor Stan Shreeve</p> <p>Dated: 12th June 2020</p>
<p>17. 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: 11th June 2020</p>

In the event of absence or incapacity of the relevant Portfolio Holder 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
Leader (Cllr Jackson)	
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Finance and Resources (Cllr Shreeve)	
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 SIGN OFF CONFIRMATION

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 12 June 2020 16:03
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: FW: >>PLEASE READ AND RESPOND<< Emergency Decision

I also confirm support.

Rob Walsh, Chief Executive, North East Lincolnshire Council/North East
Lincolnshire Clinical Commissioning Group
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
01472 324700
rob.walsh@nelincs.gov.uk | www.nelincs.gov.uk | Twitter : @CXNELC

Stay alert. Control the virus. Save lives.

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 12 June 2020 15:59
To: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>; Rob Walsh
(NELC) <Rob.Walsh@Nelincs.gov.uk>
Subject: RE: >>PLEASE READ AND RESPOND<< Emergency Decision

Rob

I'm happy to approve 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

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 12 June 2020 15:57
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Philip Jackson (NELC)
<philip.jackson@nelincs.gov.uk>
Subject: RE: >>PLEASE READ AND RESPOND<< Emergency Decision

Rob

Content with this.

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) <Rob.Walsh@Nelincs.gov.uk>
Sent: 12 June 2020 15:20
To: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Subject: FW: >>PLEASE READ AND RESPOND<< Emergency Decision

Philip / Stan,

Please consider in the now well established manner.

Many thanks.

Rob

Rob Walsh, Chief Executive, North East Lincolnshire Council/North East Lincolnshire Clinical Commissioning Group
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
01472 324700
rob.walsh@nelincs.gov.uk | www.nelincs.gov.uk | Twitter : @CXNELC

Stay alert. Control the virus. Save lives.

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 11 June 2020 14:16
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Sue Turner (NELC) <Sue.Turner@Nelincs.gov.uk>
Subject: FW: Emergency Decision - to be actioned.

Rob.

I have this afternoon 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. (Availability and spending of grant to supplement bus services for the next few months – on basis of no further funding to continue beyond the terms of the grant).

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

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Stay home. Protect the NHS. Save lives.

From: PAUL SILVESTER
Sent: 11 June 2020 14:10
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: Emergency Decision

Good Afternoon Simon

I have read the emergency decision notice and in my role as chair of the Community Scrutiny panel my response is as follows:

1. Bus Services Grant.- Consent

Kind Regards
Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 11 June 2020 13:47
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Subject: Emergency Decision

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.

You may note that as we move to a period of stabilisation and recovery, monitoring comments will also appear from the Director of Public Health or his deputies.

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) decision.

1. Bus Services Grant.

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

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Stay home. Protect the NHS. Save lives