



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>
<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

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>
<p>School Crossing Patrols</p>	<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>
<p>Non-essential retail and travel for essential work- Security</p>	<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>
<p>Non-essential retail and travel for essential work- Schemes</p>	<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>
<p>Non-essential retail and travel for essential work- Housing</p>	<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.