



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 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