



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

- 1) Approve and adopt the North East Lincolnshire recovery strategy for open public spaces enclosed to this report, with immediate implementation.
- 2) Further, to delegate to the Director of Economy and Growth, in consultation with appropriate portfolio holders dependent upon the issue and having regard to Constitutional portfolio holder remits, to take all necessary decisions and arrangements for operational plans and actions required to effectively implement the principles set out in strategy in public open spaces across 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)

The Council has a key role to play in ensuring safety of public spaces, both to reduce risk for our residents as well as creating a safe trading environment to enable local economic recovery. Implementing the recovery strategy will ensure we consider infection control as part of all our routine land management tasks and change operational practices when necessary to reduce risk to comply with national guidance on management of public places released by Ministry of Housing, Communities and Local Government (MHCLG) on the 13th May 2020.

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

1) Maintain current risk arrangements. This is not considered as a viable option as it would not ensure compliance with national guidance and leave residents and visitors at risk when visiting public open spaces.

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)

As the Council moves to a position of stabilisation and recovery it is appropriate and desirable for it to be steered by central government advice and guidance together with local public health input.

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

Although the Government has provided £9.6m of grant support to help towards covering the financial impact of covid-19 on Council services, this is not currently expected to be sufficient to cover all costs arising.

All costs, including those in respect of this decision, will be monitored and reported as part of the Council's normal budget monitoring process.

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)

During this time of a national public health emergency, any decision will be considered with regard to the following conditions

- Our local health and care system can cope and has capacity needed to deal with Covid19
- Death rates are continuing to drop or have bottomed out

- Rates of infection continue to reduce and remain at a manageable level, reducing the risk of reintroducing the lockdown in the event of a second peak
- There is local confidence that testing capacity and appropriate protective measures are in place
- There is local confidence that the public feel safe, feel able to follow current guidance and that further easing of lockdown measures will not result in an increase in the occurrence of Covid cases

At this time these considerations have been satisfied but will need to be kept under regular review as the situation progresses and when any significant changes are made to the approach adopted.

14. 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 public spaces for our residents and visitors.

<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: 5th 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: 5th June 2020</p> <p>Signed: Councillor Stan Shreeve</p> <p>Dated: 5th 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: 3rd June 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

RECOVERY PLAN

CREATING COVID SECURE PUBLIC SPACES

1. BACKGROUND

Most public open spaces in North East Lincolnshire have remained open throughout the Covid-19 pandemic to allow access to daily exercise for local residents. This includes Cleethorpes Beach, Parks, Town Centres and Cemeteries. Overall, residents have displayed responsible behaviour and good adherence to government advice when visiting public spaces. The low to medium footfall levels have allowed effective management of public areas without the need for detailed management plans.

On 10th May 2020 the Government announcement to slowly ease lock down measures has resulted in a sudden increase in visitor numbers to all public areas. Detailed guidance for Local Authorities on management of public places was released by Ministry of Housing, Communities and Local Government (MHCLG) on the 13th May 2020.

The Council has a duty under Health and Safety at Work Act to ensure all public spaces under their control are managed in a way that ensures the safety of visitors as far as reasonably practicable. The MHCLG guidance clearly sets out how the Council and other land owners should assess and adapt the use of public space to ensure safety is maintained during the pandemic and should be considered alongside local public health advice. Intervention should be focused around high footfall areas, transport hubs and shopping areas.

The Council's recovery process, seeks to build capacity and independence allowing individuals, communities and businesses to return to their normal lives, routines and activities. Continued safe access to public space will form an important part of this process. It is essential as we move through the recovery process that we have a clear strategy for what 'business as usual' looks like for public space in the short, medium and longer term. This document sets out our approach to managing public space through the recovery phase and supports the wider Council Recovery Plan.

2. APPROACH TO PUBLIC SPACE MANAGEMENT DURING RECOVERY

The Council has a key role to play in ensuring safety of public spaces, both to reduce risk for our residents as well as creating a safe trading environment to enable local economic recovery. This will require us to consider infection control as part of all our routine land management tasks and change operational practices when necessary to reduce risk. As part of the Council's recovery agenda we will carry out more detailed assessments and planning for areas of high footfall, including:

- ✓ Cleethorpes Resort
- ✓ Destination Parks and Cemeteries

✓ Grimsby Town Centre

Throughout this work, a dual approach of public safety and business support, will be essential to assist the Council in achieving its long term objectives of safe and sustainable communities and a stronger economy. Our approach will be guided by government advice alongside local public health advice. Our detailed recovery approach will consider the following phases:

1. Immediate stabilisation where temporary measures are required to allow quick intervention in high risk areas to enable return to normality as far as the situation allows;
2. Medium term restoration to encompass phase 1 and 2 of the government easing of restrictions. This will focus on preserving safety with growing visitor numbers and support for increased number of take away catering businesses and return of non-essential retail premises;
3. Longer term restoration to encompass phase 3 and 4 of the government easing of restrictions. This will on focus on catering for further increases in visitor number with a return of restaurants, pubs and leisure premises.

It is essential that all plans made in the interim, medium and longer term have sufficient flexibility to allow quick action in case of a second peak and requirement for a further lock down.

Where financial investment is required to reduce risk, we will consider overall impact carefully, seek to reduce cost or loss of income as far as possible and work to secure external funding when available.

Assessment of space and interventions will be focused based on six key themes:

- ✓ Managing visitor numbers
- ✓ Safe pedestrian space
- ✓ Hygiene and cleaning provisions
- ✓ Effective communication and engagement
- ✓ Safe re-opening of businesses
- ✓ Enforcement

2.1 Managing visitor numbers

Whilst government advice clearly permits travel, it may from time to time be necessary for visitor numbers to be managed at a level where social distancing is achievable ensuring safety for staff and the general public. Whilst, our preference would be a natural return to business as usual without the need for intervention, there are several options available to our disposal that will implemented if necessary, in the following order of priority:

1. Provision of local signage.
2. Communication including social media updates to inform potential visitors of expectations and most quiet times to visit.

3. Restriction or closure of coach parking in areas where large visitor numbers may cause additional risk.
4. Electronic signs on gateway routes, providing information of current visitor numbers and available car parks. This could include messages to stay away, if areas becomes too crowded.
5. Restrictions to car parking to ensure the number of spaces available reflect safe visitor numbers.

2.2 Safe pedestrian space

Social distancing continues to be an essential precaution in all public spaces. As visitor numbers grow, this will become increasingly challenging. Government are advising Local Authorities to consider the layout of public spaces and increase the space available for pedestrians and cyclists, wherever possible. Additional funding has been earmarked for Local Authorities to manage the Highway Covid-19 response, including schemes to redistribute road space. The Council is committed to conducting detailed risk assessments of key location such as Resort, Town Centres, Transport Hubs, Parks and other high footfall areas to identify narrow path ways and pinch points. If following assessment, any changes in road layout are required, this will be completed with careful consideration of the needs of all users, with a particular focus on preserving equal access for all users including vulnerable groups.

Key considerations to increase space for pedestrians include:

- ✓ Provision of signage and pavement markings to remind people to maintain appropriate distance.
- ✓ Pedestrianisation of roads in high footfall locations during peak times to provide more space for walking visitors, as well as allowing safe queuing for any open businesses.
- ✓ Creation of one way systems where necessary to allow more space for safe circulation or space to queue for local businesses/services.
- ✓ Closure of paths and re-routing pedestrians if changes to layout is not achievable.

Where necessary changes to the adopted highway will be accompanied by an appropriate Temporary Traffic Regulation Order.

2.3 Hygiene and cleaning provisions

Access to good hygiene provisions and clean public space forms an essential part of infection control prevention. The Council do not directly manage any public toilet in the area, but will support and encourage private providers to adapt their practices to ensure higher levels of infection control, whilst maintaining normal opening hours.

The Council will also consider provision of additional outside hand washing facilities as part of local risk assessments in key location.

Additional cleansing of high exposure surfaces such as litter bins, benches, gates and other touch points will be implemented borough wide as part of routine street cleansing tasks.

2.4 Effective communication and engagement

Effective communication is important to manage visitor numbers, visitor expectations, and public safety and also to reassure residents living in the area that the Council are taking sufficient action to ensure their safety. A detailed communication plan will be required for each key location considering a variety of media releases.

Effective stakeholder engagement will be key to ensure businesses and residents understand and support the actions taken by the Council. We will aim to:

- ✓ Consult with businesses affected by any changes in space layout and provide clear information of the proposed changes. Whilst we recognise that businesses also have a duty to re-assess and change their operation to ensure safety, we will aim to work with them to find mutual solutions and mitigation to operational problems whenever possible.
- ✓ Consult with key stakeholders such as police, fire service, RNLI and coast guard to ensure joint recovery objectives are delivered.
- ✓ Provide up to date information to ward and parish councillors to ensure they understand any changes proposed to services or space design in their area and can effectively feedback any local concerns.
- ✓ Engage with community groups to encourage communities to take an active role in a safe return to normal lives, routines and activity.
- ✓ Ensure any signage and information in our communities encourage an understanding not only of the restrictions in place, but why action has been taken and how this helps to increase safety in our public spaces.

2.5 Safe re-opening of businesses

As the country moves towards, a phased re-opening, clear advice and support for local businesses will be a priority. Access to public space for safe entry/exit and adequate queue management will be an essential requirement for many businesses to become Covid secure. It is therefore important that planning of business support is aligned with effective management of public space. The Council is committed to deliver extended business engagement and support for soon to open and newly opening businesses to guide them in becoming Covid-19 secure. Professional business advice resource will be prioritised in the following stages:

- 1. Businesses able to open now with precautions in place-** This will include essential retail such as food shops, pharmacies, hardware shops, take away food businesses. Since announcements on 10th May 2020 it is likely garden centres, if social distancing measures are achieved.

2. **Businesses able to open with changed procedures-** Some restaurants have already altered their business offer, providing take away only services. With correct precautions in place, it is likely that many other smaller cafes, ice cream parlours and restaurants could re-start business activities on a take away only basis.
3. **Opening of non-essential retail-** Non-essential retail premises will be able to open as part of Phase 2 of the government lock down exit strategy, which may occur as soon as early June 2020.
4. **Leisure Premises, pubs and restaurants-** Many of the leisure premises will remain closed at least until July 2020.

2.6 Enforcement

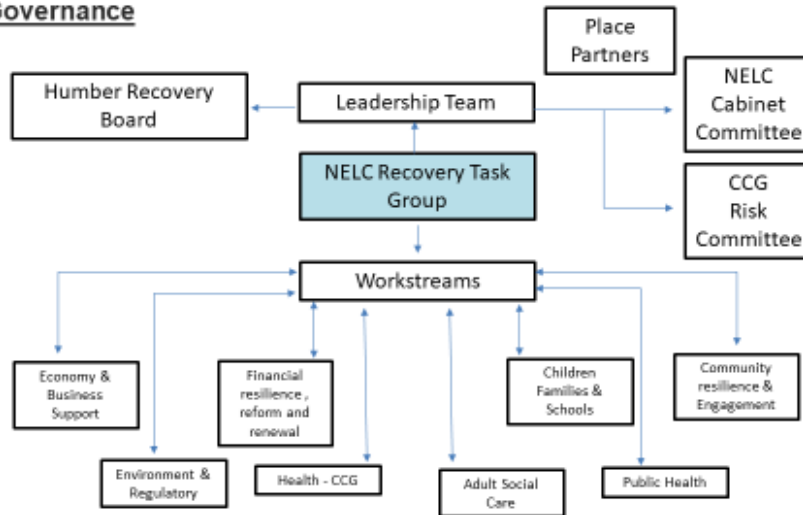
Enforcement of Covid-19 restrictions in public spaces is the responsibility of the Police and any concerns identified by Council staff would be reported to 101. As visitor numbers grow, additional enforcement patrols for parking, dog fouling and littering can also be safely re-introduced at the appropriate times. The presence of uniformed officer is likely to provide an added benefit of public reassurance and deterrence from irresponsible behaviours.

Enforcement of business closure and also safety measures in the retail and leisure sectors are the responsibility of the Council and form part of our duties as a Health and Safety Enforcement Authority. The approach taken by NELC to date has been heavily focused on support and advice to businesses at this difficult time, with enforcement only considered as a last resort. As more businesses open, the Council will resume targeted proactive checks to ensure appropriate measures are in place to protect workers and public from COVID-19. To ensure effective resourcing this work will be conducted taking a combination approach of intelligence, phone checks, virtual visits and physical spot checks.

3. GOVERNANCE

The Cabinet, Elected Members and Town and Parish Councils will play a key role in community leadership throughout the recovery stage. Regular reporting and monitoring of progress against the Council's overarching recovery plan will be provided to the Cabinet. Recovery planning for Public Spaces will form part of the Environment & Regulatory work stream, with detailed plans being submitted to the NELC Recovery Task Group, following suitable consultation with relevant portfolio holders.

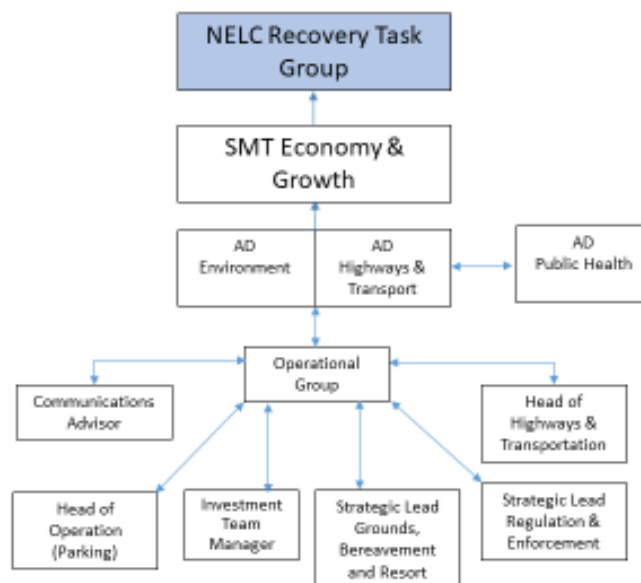
Governance



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4. OPERATIONAL DELIVERY

Effective delivery of recovery planning in a multi-faceted environment, will required a combination of skills and knowledge background. Strategic oversight will be provided by the Senior Management Team in Economy and Growth in consultation with Public Health, with further links into the wider NELC Recovery Task Group. Operational delivery will take place by a multi-discipline officer group.



5. OPERATIONAL PLANS

This recovery plan is supported by a number of operational plans and risk assessments as seen in the list below. These plans will be regularly reviewed and updated as required. All substantial changes will be documented and approved following the governance and operational delivery process set out in this document. The operational plans are designed to co-ordinate precautions in areas of high footfall and further plans may be required if the need arises.

Operational Plan	Expected implementation
Phased recovery plan Cleethorpes Resort	26/05/2020
Risk assessment Cleethorpes Seafront	24/05/2020
Risk assessment Cleethorpes Town Centre	15/06/2020
Covid Secure Parks and Cemeteries approach	20/05/2020
Risk assessment Open public space and Cemeteries	20/05/2020
Phased recovery plan Grimsby Town Centre	15/06/2020
Risk assessment Grimsby Town Centre	15/06/2020
Phased recovery plan Regulatory Support and Enforcement	20/05/2020

APPENDIX 2 – EMAIL SIGN OFF CONFIRMATION

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 05 June 2020 10:07
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Cc: Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: Re: FW: >>PLEASE READ AND RESPOND<< Emergency Decision

Rob

Content

Stan
From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 05 June 2020 09:56
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: FW: >>PLEASE READ AND RESPOND<< Emergency Decision

In anticipation of Stan also confirming, take this email as my support.

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 05 June 2020 09:28
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 Decision

Hi Rob

In full support.

Regards
Philip

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 04 June 2020 20:44
To: Cllr Philip Jackson (NELC) <philip.jackson@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: FW: >>PLEASE READ AND RESPOND<< Emergency Decision

Philip / Stan,
Please consider in the now well established manner.
Many thanks.
Rob

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 03 June 2020 20:14
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Subject: FW: >>PLEASE READ AND RESPOND<< Emergency Decision

Rob.
I have this evening 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.
My understanding is that they've already been briefed as to the attached. 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: 03 June 2020 19:58
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good evening 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. Recovery Plan – Open Spaces. - Consent

Kind Regards

Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 03 June 2020 17:41
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good evening 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) decisions.

1. Recovery Plan – Open Spaces.

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