



## 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.

<p><b>14. Decision Maker(s):</b></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: 14<sup>th</sup> April 2020</p>
<p><b>15. Consultation carried out with Leader:</b></p> <p><b>Portfolio Holder for Finance and Resources (Cllr Shreeve)</b></p>	<p>Signed: Cllr Philip Jackson</p> <p>Dated: 14<sup>th</sup> April 2020</p> <p>Signed: Cllr Stan Shreeve</p> <p>Dated: 14<sup>th</sup> April 2020</p>
<p><b>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</b></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: 3<sup>rd</sup> 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

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

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
<b>Grand Total</b>			<b>£315.00</b>	<b>£1,575</b>	<b>£6,820.00</b>

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

Dry Recycling Waste - Existing Toploader	Amount	Additional Cost per Day (Each)	Total Cost Per Day	Total Weekly Cost	Total Monthly Cost

Toploader Vehicle + Driver + 1 Loader	9	£0.00	£0.00		
Loaders making way to site	9	£15.00	£135.00	£675.00	£2,923
<b>Total</b>		<b>£15.00</b>	<b>£135.00</b>	<b>£675.00</b>	<b>£2,923</b>

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

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

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 do 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](mailto:simon.jones1@Nelincs.gov.uk)