



## 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. Due to public interest and the likelihood of affecting more than two wards in the borough

### 3. Details of Decision

1. Following an options appraisal and site assessment to confirm to Deloitte that the preferred site for a COVID-19 Testing Centre is Duchess Street Car Park Grimsby;
2. To delegate to the Director for Economy and Growth (in consultation with the Director of Public Health and Wellbeing) the responsibility to take all reasonable

actions to secure, support implementation and ensure smooth operation of the testing site.

**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. Against the backdrop of rising numbers of cases and an increase in infection rates, North East Lincolnshire has been identified as a place with priority need. An immediate decision (subject to site suitability) is required to enable preparations to be put in place to enable Deloitte to site a COVID-19 Testing Centre.

Deloitte have been engaged by Central Government to nationally scale up testing capacity.

**5. Anticipated outcome(s)**

For the siting and operation of a COVID-19 testing site at Duchess Street car park for a duration of three to six months. Such duration will be beyond the control of the Council.

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

An options appraisal was made of potentially suitable sites within the borough. Duchess Street car park is deemed a suitable site (subject to temporary removal of barriers) and chosen on the basis of consistency and familiarity as the site had been the location of a previous temporary testing centre.

**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)**

The above decision is required of the utmost urgency. In the Monitoring Officer's view, it is not practicable to call together a special meeting of Cabinet with preparatory report and debate.

The Council is still in a state of transition with the advent of a second COVID wave with evidence of rising numbers of cases across the region. The Council is still operating under a Memorandum of the Chief Executive of 17<sup>th</sup> March 2020 putting the Council onto an emergency footing.

Therefore, it is appropriate that the above decision be taken under the Emergency Officer Decision framework.

Constitutionally where there is an urgent need or where there is a recess in meetings 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)

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.

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

S138 of the Local Government Act 1972 permits the Council incur expenditure to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of an emergency event.

The Council will need to undertake some access improvements to allow the HGV vehicles to enter the site, with costs estimated to be in the region of £1.5k. In addition the Council will lose approximately £5k per month in car parking income from the site. However there is the potential that some of this income may be displaced to other nearby sites.

The Government has indicated that the Council will be fully funded for implementing measures to tackle the coronavirus pandemic. As a consequence, a proper record of any spend incurred and lost income will be maintained.

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

There are no HR direct implications, however enabling a COVID testing site to be established within NEL will enable our workforce to access testing and therefore minimise risk to our staff

#### **13. Public Health Comments (Director of Health and Wellbeing (or his Deputy))**

Increasing the access of the population of North East Lincolnshire to COVID-19 testing is vital to help us prevent serious impacts that will emerge from a second wave of the COVID-19 pandemic. Currently people from the borough often have to travel to the Humber Bridge test site or further afield to access testing unless a mobile testing unit is available in Grimsby on the particular day that the test is required and this can be almost impossible for people without access to a vehicle.

The Duchess Street site is ideally situated for the residents of the borough as it is in the centre of Grimsby and close to transport hubs. Once it is fully operational testing will be available in Grimsby on a daily basis.

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

Not to facilitate a COVID-19 testing centre would put the public at risk and would be perverse given the inherent duty on the Council to protect and uphold public safety in the face of a pandemic or otherwise.

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| <p><b>14. Decision Maker(s):</b></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: Chief Executive</p> <p>Signed: Approved via email</p> <p>Dated: 17<sup>th</sup> September 2020</p>  |
| <p><b>15. Consultation carried out with Leader:</b></p> <p>Deputy Leader in the absence of the Portfolio Holder for Finance and Resources</p>   | <p>Signed: Councillor Philip Jackson, approved via email</p> <p>Dated: 17<sup>th</sup> September 2020</p> <p>Signed: Councillor John Fenty, approved via email</p> <p>Dated: 17<sup>th</sup> September 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: Councillor Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: approved via email</p> <p>Dated: 17<sup>th</sup> September 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 – Email Approval

From: Rob Walsh (NELC) <Rob.Walsh.Nelincs.gov.uk>

Sent: 17 September 2020 14:26

To: Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>; Sue Turner (NELC) <Sue.Turner@Nelincs.gov.uk>

Subject: Re: >>>URGENT AND SENSITIVE - IMMEDIATE ACTION PLEASE - EMERGENCY DECISION

I confirm agreement to proceed.

Sent with Email

From: Cllr John Fenty (NELC) <John.Fenty@nelincs.gov.uk>

Sent: 17 September 2020 13:51

To: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>

Cc: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Margaret Cracknell (NELC) <Margaret.Cracknell@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>

Subject: Re: >>>URGENT AND SENSITIVE - IMMEDIATE ACTION PLEASE - EMERGENCY DECISION

Hi Rob, Philip.

I to am happy to support the Location of COVID-19 Testing Centre (Duchess Street Car Park

Regards Cllr John Fenty

07712398656

On 17 Sep 2020, at 12:56, Cllr Philip Jackson (NELC)  
<philip.jackson@nelincs.gov.uk> wrote:

Rob

I'm happy to approve. Thank you to you and colleagues for turning it around so quickly!

Regards

Philip

From: PAUL SILVESTER

Sent: 17 September 2020 10:37

To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)  
<Simon.Jones1@Nelincs.gov.uk>

Subject: Re: >>>URGENT AND SENSITIVE - IMMEDIATE ACTION PLEASE -  
EMERGENCY DECISION

Good morning Simon

As Chair of the communities Scrutiny panel i have read the Emergency Decision Record and my response is as follows:

1. Location of COVID-19 Testing Centre (Duchess Street Car Park).

Consent

Kind regards

Councillor Paul Silvester