



## 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 the Local Resilience Forum (LRF) the use of Grant Street, Cleethorpes, Car park and Roval Drive, Immingham, as Mobile Testing Units (MTU) locations;
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 mobile testing sites.

**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 the LRF to mobilise mobile testing unit to use both sites for COVID-19 Testing Centre.

**5. Anticipated outcome(s)**

For the siting and operation of a COVID-19 mobile testing unit site at Grant Street car park and Roval Drive at the frequency as arranged by the LRF, and likely to be once every three days, 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. Grant Street and Roval Drive have been identified as most suitable location which provide good accessibility for members of the community with suitable welfare arrangements in close proximity for the operating staff.

**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 as a matter of 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.

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)**

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 income to the Council from Grant Street is very low in the winter months from 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 or Duchess Street test site. Introducing additional mobile testing unit in Cleethorpes and Immingham will mean local residents will have greater access to the test facilities on the particular day that the test is required.

The Grant Street and Roval Drive sites are ideally situated for the residents of the borough, in particular those in Cleethorpes and Immingham.

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

Not to facilitate the provision of mobile testing units COVID-19 testing centres 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.

<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: Chief Executive</p> <p>Signed: Approved via email</p> <p>Dated: 4<sup>th</sup> December 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: Councillor Philip Jackson</p> <p>Dated: 4<sup>th</sup> December 2020</p> <p>Signed: Councillor Stan Shreeve</p> <p>Dated: 4<sup>th</sup> December 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: Communities Scrutiny Panel Chair</p> <p>Signed: Approved via email</p> <p>Dated: 30<sup>th</sup> November 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: 04 December 2020 14:33  
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)  
<Simon.Jones1@Nelincs.gov.uk>  
Subject: FW: 201127-Emergency Officer Decision Mobile Testing Centre (002)

Simon,

Approved by Cllrs Jackson, Shreeve and myself.

Thanks.

Rob

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>  
Sent: 04 December 2020 14:30  
To: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Rob Walsh (NELC)  
<Rob.Walsh@Nelincs.gov.uk>  
Subject: RE: 201127-Emergency Officer Decision Mobile Testing Centre (002)

Hi Rob

Support

Cllr Stan Shreeve  
Portfolio Holder Finance and Resources  
Ward Councillor for Humberston and New Waltham  
North East Lincolnshire Council  
Email: stanley.shreeve@nelincs.gov.uk  
Tel: 07702 343340

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>  
Sent: 04 December 2020 12:43  
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC)  
<Stanley.Shreeve@Nelincs.gov.uk>  
Subject: RE: 201127-Emergency Officer Decision Mobile Testing Centre (002)  
Importance: High

Hi Rob

Happy to support.

Regards

Philip

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>  
Sent: 04 December 2020 09:44  
To: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>  
Subject: FW: 201127-Emergency Officer Decision Mobile Testing Centre (002)  
Importance: High

Philip / Stan

Below / attached for your consideration and approval.

Thanks,

Rob

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)  
<Simon.Jones1@Nelincs.gov.uk>  
Sent: 01 December 2020 07:42  
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>  
Cc: Sue Turner (NELC) <Sue.Turner@Nelincs.gov.uk>  
Subject: FW: 201127-Emergency Officer Decision Mobile Testing Centre (002)  
Importance: High

Morning Rob

Emergency ODR – for the siting of mobile testing units in Cleethorpes and Immingham – being arranged through LRF.

Cllr Silvester supportive – below.

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)

The content of this email and any attachments is deemed confidential and intended for the proper recipient(s) only.

Further, such content may be subject to legal professional privilege.

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In the event of delivery in error please immediately notify the sender and delete.

Stay alert. Control the virus. Save lives.

From: PAUL SILVESTER  
Sent: 30 November 2020 21:00  
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)  
<Simon.Jones1@Nelincs.gov.uk>  
Subject: Re: 201127-Emergency Officer Decision Mobile Testing Centre (002)

Good evening Simon

In my role as Chair of the Communities Scrutiny Panel I have read the Emergency Officer Decision Notice and my decision is as follows:

1. Mobile Testing Units (Cleethorpes and Immingham). - Consent

Kind regards

Councillor Paul Silvester

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From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)  
<Simon.Jones1@Nelincs.gov.uk>  
Sent: 30 November 2020 20:16  
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>  
Cc: PAUL SILVESTER  
Subject: 201127-Emergency Officer Decision Mobile Testing Centre (002)

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. Mobile Testing Units (Cleethorpes and Immingham).

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)