



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 revised flexible and phased recovery strategy for open public spaces enclosed to this report, with immediate implementation.
- 2) That, as a matter of principle, the Portfolio Holder for Environment and Transport supports the implementation of the full range of measures needed to address a worst-case scenario.
- 3) That the implementation of a phased approach, escalating as appropriate to a worst-case scenario response, is supported.

4) Recognising the need to react quickly to prevailing factors; responsibility and freedom to so implement is delegated to the Assistant Director for Environment without the need to consult in advance with the Portfolio Holder for Environment and Transport, but with the expectation that the Portfolio Holder is notified of implementation as appropriate.

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. The revised recovery strategy also ensures that the Council adapt their approach and focus on open space management to reflect the government roadmap for lifting restrictions, published in March 2021.

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.

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, Resources and Assets (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)

The Government has provided grant support to help towards covering the financial impact of covid-19 on Council services. It is anticipated that all costs in respect of this decision will be covered by relevant grant funding and service budgets.

All costs, including those arising 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.

This decision is in accordance with these principles.

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 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: Approved via email</p> <p>Dated: 23rd March 2021</p>
<p>16. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance, Resources and Assets (Cllr Shreeve)</p>	<p>Signed: Approved via email</p> <p>Dated: 23rd March 2021</p> <p>Signed: Approved via email</p> <p>Dated: 23rd March 2021</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: Approved via email</p> <p>Dated: 18th March 2021</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- MAINTAINING COVID SECURE PUBLIC SPACES

1. BACKGROUND

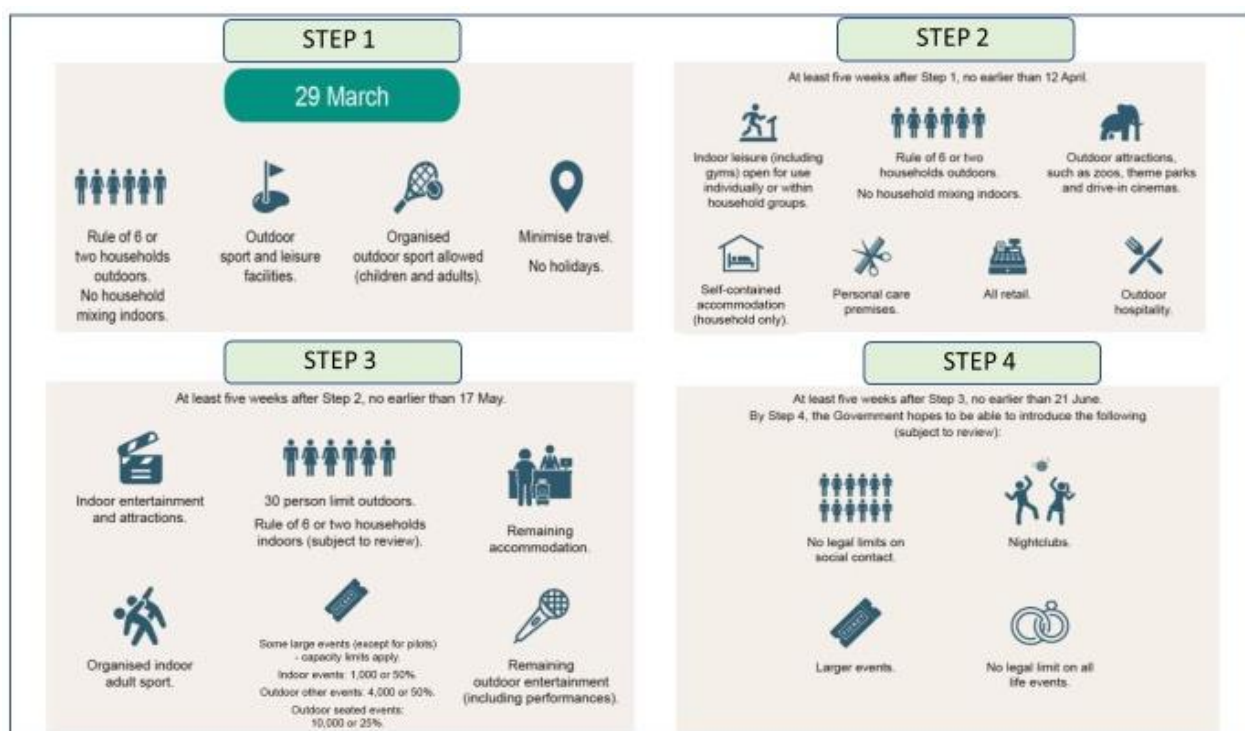
Public open spaces in North East Lincolnshire have remained open throughout the Covid-19 pandemic to allow access to daily exercise for residents.

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. MHCLG guidance clearly sets out how the Council and other landowners 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. Throughout this period, a dual approach of public safety and business support, has been implemented to assist the Council in achieving its long-term objectives of safe and sustainable communities and a stronger economy.

Assessment of space and most appropriate interventions to ensure safety have focused based on six key themes to reflect government guidance:

1. Managing visitor numbers
2. Safe pedestrian space
3. Hygiene and cleaning provisions
4. Effective communication and engagement
5. Enforcement

This plan is designed to mirror the government road map and details all precautions the Local Authority may implement during this period, with the most likely level of intervention for each period indicated. This will provide the flexibility to respond quickly to prevailing factors as well as ensuring any disruptive or costly interventions are only in place for the time where the need is the highest.



2. OPEN SPACE INTERVENTIONS

2.1 Managing visitor numbers

Government advice will permit travel from the 29th of March 2021. Ensuring visitor numbers are maintained at a level where social distancing is achievable, is an important precaution to ensure the safety of staff and the public in Cleethorpes Resort. There are several options available to our disposal that are proposed to be implemented during the following time periods:

Government Phase	0	1	2	3	4
Precautions available	Lock-down	29th March	12th April	17th May	21st June to Sept
Provision of local signage in high footfall areas	√	√	√	√	√
Communication including social media updates	√	√	√	√	√
Electronic signs on gateway routes to Cleethorpes, providing information of restrictions and car parking available	x	√	√	√	√
Restrictions to car parking to ensure the number of spaces available reflect safe visitor numbers.	x	x	x	x	x

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. Local Authorities has a duty to consider the layout of public spaces and increase the space available for pedestrians and cyclists, wherever possible. The Council has conducted detailed risk assessments of key location such as the Resort, Town Centres, Transport Hubs, parks and other high footfall areas. Any changes in road layout proposed will carefully consider the needs of all users, with a particular focus on preserving equal access for all users including vulnerable groups and include consultation with affected businesses.

Government Phase	0	1	2	3	4
Precautions available	Lock-down	29th March	12th April	17th May	21st June to Sept
Provision of signage and pavement markings to remind people to maintain appropriate distance.	√	√	√	√	√
Changed road layout to increase pedestrianisation space during peak times:					
Central Promenade, Cleethorpes	x	√	√	√	x
North Promenade, Cleethorpes	x	x	x	x	x
St Peter's Avenue, Cleethorpes	x	x	x	x	x
Sea View Street	x	x	x	x	x
Freshney Place, Grimsby	x	x	√	√	x
Creation of one-way systems changed layout at pinch points and key premises in Cleethorpes to allow more space to queue for local businesses/services	x	x	√	√	x
Closure of paths and re-routing pedestrians if changes to layout is not achievable.	x	x	x	x	x

2.3 Hygiene and cleaning provisions

Access to good hygiene provisions and clean public space forms an essential part of infection control prevention. There are several options available to our disposal that are proposed to be implemented during the following time periods:

Government Phase	0	1	2	3	4
Precautions available	Lock-down	29th March	12th April	17th May	21st June to Sept
Public Toilets remaining open (resort, train stations and Town Centre) with additional cleaning regime in place.	√	√	√	√	√
Availability of cash less parking	√	√	√	√	√
Provision of additional outside hand sanitising facilities in the resort.	√	√	√	√	√
Additional cleansing of high exposure surfaces such as litter bins, benches, gates and other touch points.	x	√	√	√	x

2.4 Effective communication and engagement

Effective communication is important to manage visitor numbers, visitor expectations and public safety as well as reassuring residents living in the area that the Council are taking sufficient action to ensure their safety. The following steps are proposed:

Government Phase	0	1	2	3	4
Precautions available	Lock-down	29th March	12th April	17th May	21st June to Sept
Regular press releases	√	√	√	√	√
Regular face to face support visits to businesses to assist with achieving COVID-19 secure standards (Covid support staff)	√	√	√	√	√
Consult with businesses to manage queues in public space including impact of any space and layout changes	x	x	√	√	x
Partnership meetings with key stakeholders as police, fire service, RNLI and coast guard to ensure joint recovery objectives are delivered.	√	√	√	√	√
Funding for Night-time economy marshals to work with police	x	x	√	√	Until 1 st Sept 21
Provide up to date information to ward and parish councillors to ensure they understand any precautions in place or suggested in their area and can effectively feedback any local concerns.	√	√	√	√	√
Ensure signage and information in our communities are effective and encouraging 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.	√	√	√	√	√

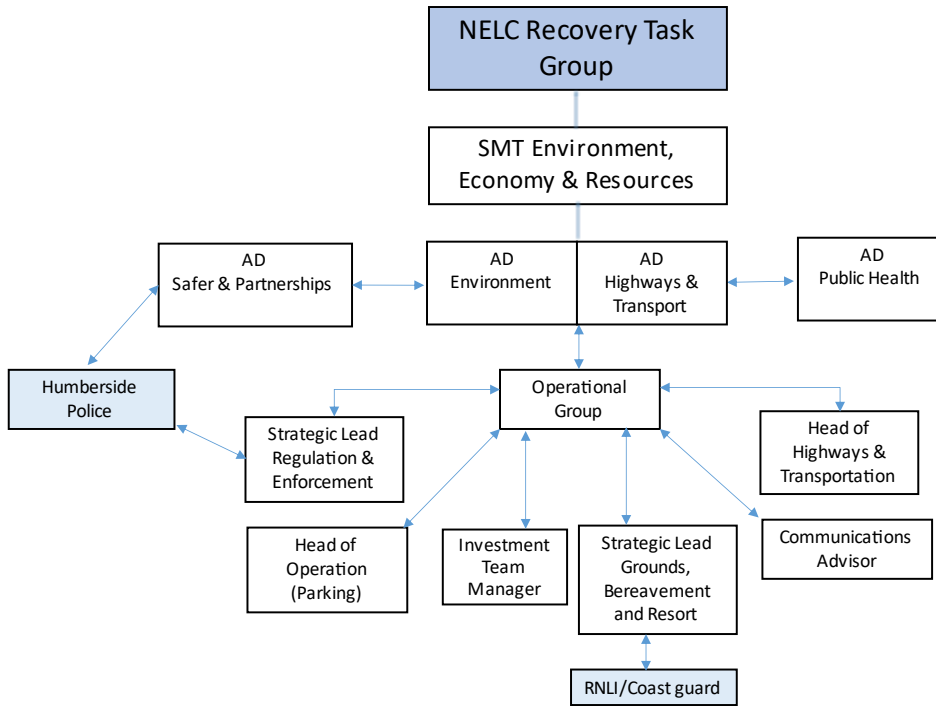
2.5 Enforcement

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. Enforcement of business closures and safety measures in the retail and leisure sectors are the responsibility of the Council. 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.

Government Phase	0	1	2	3	4
Precautions available	Lock-down	29th March	12th April	17th May	21st June to Sept
Investigation of non-compliance with business Covid-19 restrictions and enforcement of repeated breaches	√	√	√	√	√
Maintaining operational parking enforcement and litter patrols	√	√	√	√	√
Targeted enforcement of A-frames and tables/chairs blocking foot paths	x	x	√	√	x
Joint licensed premises action group with police	x	x	√	√	√
Street Based detached Youth Engagement including joint patrols with Humberside Police as part of Operation Python to reinforce Social distancing with young people	√	√	√	√	√
ASB Team working in partnership with Humberside Police to monitor and enforce PSPOs in Public Spaces around alcohol and anti-social behaviour which indirectly supports Covid 19 restrictions	√	√	√	√	√

3. 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 Environment, Economy and Resources 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.



APPENDIX 2 – EMAIL APPROVAL

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 23 March 2021 13:48
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: FW: PLEASE READ AND RESPOND FW: Emergency ODR - Open Space Recovery

Simon,

I agree too.

Rob

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 23 March 2021 13:47
To: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Rob Walsh (NELC)
<Rob.Walsh@Nelincs.gov.uk>
Subject: RE: PLEASE READ AND RESPOND FW: Emergency ODR - Open Space Recovery

Rob

Carolina confirmed what I thought. Still happy!

Cllr Stan Shreeve
Deputy Leader and Portfolio Holder for Finance, Resources and Assets
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: 23 March 2021 12:43
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC)
<Stanley.Shreeve@Nelincs.gov.uk>
Subject: RE: PLEASE READ AND RESPOND FW: Emergency ODR - Open Space Recovery

I am content to agree this.

Kind regards

Councillor Philip Jackson

Leader of North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
Email: Philip.jackson@nelincs.gov.uk
Office: 01472 325905
Alternative: 01472 823740

From: PAUL SILVESTER
Sent: 18 March 2021 17:12
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: Emergency ODR - Open Space Recovery

Good evening Simon

As the Chair of the Community Scrutiny Panel I have read Emergency Decision Record and respond as follows

1. Recovery – Open Space March 2021 - Consent

Kind regards

Cllr Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 18 March 2021 14:18
To: PAUL SILVESTER
Cc: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Subject: Emergency ODR - Open Space Recovery

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, Resources and Assets.

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) decision.

1. Recovery – Open Space March 2021.

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,

Assistant Director Law, Governance and Assets

(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