

Forward Plan reference number: Not applicable

Report title: Coronavirus Outbreak – Temporary closure of Essex Records Office and suspension of certificates service	
Report to: Councillor Susan Barker - Cabinet Member for Customer, Communities, Culture and Corporate and Councillor David Finch -Leader of the Council	
Report author: Samantha Kennedy – Director, Environment and Climate Action	
Date: 27 March 2020	For: Decision
Enquiries to: Dee O'Rourke – Head of Culture, Heritage, Tourism and Green Spaces Email: dee.orourke@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 The Coronavirus outbreak is a major public health emergency. The Government's current advice is for the population of the United Kingdom to practise social distancing by minimising contact with other people and for people to work at home if possible, to reduce social contact.
- 1.2 On 20 March Executive Director, Place and Public Health temporarily closed the Essex Record Office to the public.
- 1.3 On 24 March the certificates service which operates from the Essex Record Office (for copies of civil registration certificates of births, marriages and deaths which occurred in Essex) was temporarily suspended. This will mean that some orders for copy certificates received by the Essex Record Office will not be processed. This report asks the Cabinet Member to approve the refunding to customers of fees received in relation to these orders.

2. Recommendations

Cabinet Member for Customer, Communities, Culture and Corporate:

- 2.1 The Essex Record Office, which is owned by Essex County Council, should continue be closed for a period of up to three months and that the Council should cease to process any orders for certificates.
- 2.2 That the Executive Director, Place and Public Health be authorised to extend the closure and suspension for a period of one month on three occasions if he considers it is necessary to improve public health and reduce the risk of the spread of coronavirus and to reopen the Essex Record Office and recommence the service as soon as he considers that closure is no longer necessary.

- 2.3 That any customer who has ordered copy certificates where fees have been paid but which remains unfulfilled on 25 March 2020 should be refunded in full. (£1,673)

Leader of the Council:

- 2.4 Pending the Government determination of emergency funding, a drawdown of £173,000 from the General Balance to fund the anticipated loss in income as a result of the suspension for 3 months and further drawdowns of £57,666 per month for the next 3 months if monthly extensions are considered necessary

3. Summary of issue

- 3.1 The United Kingdom is having to respond to the coronavirus outbreak. As of Monday 16 March the Government advised residents to practise social distancing.
- 3.2 On 19 March 2020 the Coronavirus Bill was introduced into Parliament. That includes extensive powers to enforce social distancing and to ban events and gatherings. Most organisations have closed workplaces and places where people congregate. Schools closed with effect from 20 March 2020.
- 3.3 Under section 2B of the National Health Service Act 2006 the Council is under a legal duty to take such steps as it considers appropriate for improving the health of the people in its area.
- 3.4 Against this context the Council must consider the impact on the health and safety of staff. Continuing to operate the certificates service would require staff to congregate and work together at the Essex Record Office. Guidance from General Register Office on pandemic planning is to delay the issue of certificates unless these are required urgently.
- 3.5 Essex Record Office is the local archive service for the county of Essex and holds primary sources for Essex history, including written, maps, pictorial material and recorded sound and video. The Essex Record Office is the store house of Essex's history. Through the Essex Record Office, the Council provides a range of resources and services supporting historical and other research, personal and local history, planning and business development in addition to providing the public archive for all the people of Essex and beyond.

Impact of closure

- 3.6 Since people are being advised to avoid unnecessary social contact and work from home where possible, we need to maintain social distancing for staff. We need to lead by example to help Essex residents to comply with the guidance and maintain isolation.

- 3.7 Not operating the certificates service will mean that individuals are temporarily deprived of a resource. However, at least for the time being, it is still possible for the public to order copies of certificates from the General Register Office.
- 3.8 It should be stressed that this is a temporary measure as a short term response to the outbreak. The Essex Record Office will resume the operation of the certificates service as quickly as possible.
- 3.9 There are 22 office based staff who will work remotely, where possible. There are 3 operational staff who are available for redeployment.

4. Options

- 4.1 **Do Nothing:** Leave the Essex Record Office operating as normal: If we do this then, as the number of cases of coronavirus continue to increase, there is an increasing risk that the virus will be spread which may adversely affect our staff. If our staff become sick then the Council may struggle to keep the service operational.
- 4.1 **(Recommended) Temporarily close the Essex Record Office and refund customers for unfulfilled orders for certificate copies:** If we do this the community will be deprived of an additional set of services and this may increase social isolation. In the context of this virus, on this occasion the social distancing is precisely what is advised by the Government. The Council will suffer a small loss of income, but customers will not suffer any financial impact as a result of the fact that the Council is unable to provide the service.

5. Issues for consideration

5.1 Financial implications

- 5.1.1 At the time of the temporary closure of the service, there were orders for 140 certificates @ £11 each with remained unfulfilled. 19 of these were to be delivered by special delivery @ £7 each. The total amount to be refunded would be £1,673.
- 5.1.2 With the temporary closure of the service, no further orders will be received. There will therefore be no need for further refunds.
- 5.1.3 ERO has an annual net revenue budget of £602,034 (2020/21), made up of:

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2020/21 Budget	£'000
Expenditure	
Staff	£812
Other	£600
Total Expenditure	£1,412
Income	
Core Activities	(£810)
Total Income	(£810)
Total Controllable Budget	£602

5.1.4 The key financial impacts in the event the ERO is closed, to both income and expenditure will be as follows:

- Income
 - Income derived from services delivered by ERO including:
 - ERO Conference Centre (venue hire)
 - Certificates service
 - Online access to images of documents
 - Digitisation services
 - Events, talks and training
 - Archive services and Conservation services
 - Reprographics (copies of ERO documents)
 - Historical research services
 - Book and other retail sales
 - On-line Archival Services will remain available, making up c.£120,000 of the annual income.
- Expenditure
 - Staff are employees of ECC.
 - The majority of the non-staff expenditure relates to Direct Property Recharge from ECC and does not open an opportunity for cost reduction.

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	Apr - June 2020	July-Sept 2020	Full Year 2020/21
£'000			
Staff	£203	£203	£812
Other	£150	£150	£600
Total Expenditure	£353	£353	£1,412
Income			
Core Activities	(£30)	(£30)	(£120)
Total Income	(£30)	(£30)	(£120)
Net Position	£323	£323	£1,293
Controllable Budget Expected	£151	£151	£602
Overall MTRS Impact	£173	£173	£691

5.1.5 The financial impact of closing the ERO for 3 months is estimated at a net cost pressure of £173,000, with a further £173,000 for the following 3 months if required.

5.1.6 Should the ERO be closed for 12 months the net cost pressure against the 2020/21 budget would increase to £691,000.

5.1.7 It is proposed that the revenue pressure of £173,000 will be funded from the General Balance pending the Government determination of emergency funding.

5.2 Legal implications

5.2.1 As set out above the Council has a duty to take appropriate steps to maintain the health and safety of staff and to improve the health of Essex residents.

5.2.2 The Council is required to provide the certificates service under section 31 of the Registration of Births Deaths and Marriages Act 1953. It could be argued that this remote service is one which it is desirable to provide during the emergency. However given closure of other parts of life it is likely that demand will be limited and customers may access services from the GRO anyway.

5.3 Equality and Diversity implications

5.3.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful

- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

5.3.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

5.3.3 Refunding customers who have applied for copies of certificates would be unlikely to have a disproportionate impact on any group.

5.4.1 Staffing Issues

5.4.1 Essex Record Office operates with 25 employees on ECC full time/ part time / annualised or fixed term contracts; 2 staff on ECC 'as and when' contracts and 1 staff on contingency contract via Matrix.

5.4.2 From an initial review of the data and working patterns across the workforce the Council will under its current policies pay individuals who have confirmed / planned hours (for example on a rota), whether they are able to work or not.

6. List of appendices

None

7. List of Background papers

None

I approve the above recommendations relating to my portfolio as set out above for the reasons set out in the report.	Date 28/03/2020
Councillor Susan Barker, Cabinet Member for Customer, Communities, Culture and Corporate	
I approve the above recommendations relating to my portfolio as set out above for the reasons set out in the report.	28/03/2020
Cllr David Finch, Leader of the Council	

In consultation with:

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Role	Date
Mark Carroll, Executive Director for Place and Public Health	27 March 2020
Executive Director for Finance and Technology (S151 Officer)	27 March 2020
Stephanie Mitchener on behalf of Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	26 March 2020
Paul Turner	

Exemption from call in

I agree that it is in the best interests of the Council for this decision to be implemented urgently and therefore this decision is not subject to call in (paragraph 20.15(xix) of the constitution applies).

Councillor Mike Mackrory – Chairman of the Corporate Policy and Scrutiny Committee

Date: 28 March 2020