

Department of Corporate and Community Services

Deputy Chief Executive: Caroline Innes BSc (Hons)

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Date: 24 January 2020

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TO: Councillors T Buchanan (Chair); C Bamforth; D Devlin; A Lafferty; C Merrick; and P O'Kane.

CABINET

A meeting of the Cabinet will be held in the Council Chamber, East Renfrewshire Council Headquarters, Eastwood Park, Giffnock on **Thursday, 6 February 2020 at 10.00am.**

The agenda of business is as shown below.

Caroline Innes

C INNES

DEPUTY CHIEF EXECUTIVE

AGENDA

1. **Report apologies for absence.**
2. **Declarations of Interest.**
3. **Debt Management for Council Tax; Non-Domestic Rates; Sundry Debt Income and Housing Benefit Overpayments – Report by Deputy Chief Executive (copy attached, pages 3 - 8).**
4. **Extended Use of the Social Work Case Management Solution - Report by Deputy Chief Executive (copy attached, pages 9 - 12).**
5. **Greenlaw Business Centre, Newton Mearns – Operational Update and Letting Policy Approval - Report by Director of Environment (copy attached, pages 13 - 22).**
6. **Memorial Safety Inspection – Cathcart Cemetery - Report by Director of Environment (copy attached, pages 23 - 26).**

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EAST RENFREWSHIRE COUNCILCABINET6 February 2020Report by Deputy Chief ExecutiveDEBT MANAGEMENT FOR COUNCIL TAX, NON DOMESTIC RATES, SUNDRY DEBT
INCOME AND HOUSING BENEFIT OVERPAYMENTS**PURPOSE OF REPORT**

1. The purpose of this report is to seek approval to write-off as irrecoverable sums associated with Council Tax and Water Charges; Non Domestic rates, Sundry debt income and Housing Benefit overpayments.

RECOMMENDATIONS

2. It is recommended that the Cabinet:
- (a) approves the write off of the following sums, without prejudice to subsequent recovery, as part of the annual write-off procedure:
 - Council tax arrears totalling up to £242,629.97
 - Non Domestic Rates arrears totalling up to £159,163.35
 - Sundry debt income totalling up to £69,268.86
 - Housing Benefit Overpayments totalling up to £91,821.72
 - (b) notes that the write-off of these sums will have no net impact on the Council's accounts as provision has been made for the debt, in full, in previous years;
 - (c) notes that Water and Sewerage charges totalling up to £80,230.94 are also being written off in discussion with Scottish Water;
 - (d) notes that a further paper in relation to Non Domestic Rates will be developed during 2020/21.

BACKGROUND

3. The Council debt recovery policy lists situations where write-off of debts will be considered when all viable means of collection are exhausted. As per standard accountancy practice, when it is clear that all viable means of collection are exhausted, the debt is written off and a release from the bad debt provision is used to offset this expense. There is no net impact on the overall revenue accounts of the Council as "bad debt provision" has already been provided for the debt not being repaid. The Council sets the level of "bad debt provision" at a prudent level to minimise risk to the Council.

4. The Council bills and collects water and sewerage charges on behalf of Scottish Water. Sums collected/written-off in this regard do not affect Council revenue.

COUNCIL TAX & WATER CHARGES

5. In line with the debt recovery policy, write-off of debts associated with Council Tax and Water charges will be considered when:

- Debtor is deceased and has left no estate
- Debtor has been sequestrated
- Debtor has gone away and all attempts to trace them have been undertaken
- Small balances, uneconomical to pursue

6. A recent trawl of outstanding Council Tax accounts shows by reason of write-off:

	Number of Accounts	Council Tax Total	Water & Sewerage
		£	£
Deceased	126	36,643.00	12,116.81
Sequestrated	437	202,654.05	67,012.02
Gone Away	2	894.02	295.63
		2,438.90	806.48
Small Balances	477		
TOTAL	1,042	242,629.97	80,230.94

7. The comparative write-off which the Cabinet approved last year at this time was Council tax of £218,584.00 and Water and Sewerage charges of £72,163.54

8. Water and Sewerage charges are collected on behalf of Scottish Water but the Council retains none of the income.

9. The sum to be written-off is less than 0.5% of the sum which will be collected in the current year and can be met from existing bad debt provision. East Renfrewshire Council ranked 4th in Scotland for Council Tax collected in 2018/19.

NON DOMESTIC RATES

10. In line with the debt recovery policy, write-off debts associated with Non-Domestic Rates will be considered in the event of:

- Company liquidated
- Sole trader sequestrated
- Business ceased trading / dissolved
- Small balance, uneconomical to pursue

11. In the year 2019/20, 19 businesses with NDR arrears of £159,163.35 have been identified for write off and an additional 40 businesses have small balances which are

uneconomical to pursue further. The small balances total £186.92. Analysis of these accounts shows reason for write off as follows:

Reasons	Number of businesses	Value (£)
Company liquidated	5	£27,769.27
Sole trader Sequestrated	2	£5,568.91
Company Dissolved	12	£125,638.25
Small balances	40	£186.92
Total	59	£159,163.35

Further analysis by year the debt was incurred shows:-

Financial Year debt incurred	Value
2005_06	£75.43
2006_07	£20.12
2007_08	£11.17
2008_09	£17.83
2009-10	£2.65
2013-14	£0.01
2014_15	£3,445.85
2015_16	£7,728.60
2016_17	£49,471.95
2017_18	£40,523.47
2018_19	£52,301.27
2019_20	£5565.00
Total	£159,163.35

12. The sum to be written-off is around 1% of the sum which will be collected in the current year and can be met from existing bad debt provision. East Renfrewshire Council collected in excess of 97% of Non-Domestic rates income in the 2018/19 year and has seen year on year improvement in this area.

13. In 2018/19, Cabinet approved a paper in relation to irrecoverable Non Domestic Rates and arrangements for the administration of Non Domestic Rates. The paper advised that a complete review of all historical Non Domestic Rates arrears would take place, and that a further Cabinet paper would be presented when this exercise is complete. Cabinet is asked to note that this activity will take place during 2020/21.

SUNDRY DEBT INCOME

14. The main reasons for seeking approval for write-off of sundry debtor income, together with amounts for each reason, are shown below:

	£
Sheriff Officer Reports Low likelihood of recovery	69,214.61
Small balances uneconomic to pursue	54.25
	69,268.86

15. The sum being put forward for write off this year is higher than the sum approved by Cabinet last year (£43,567.03) and is less than 1% of income expected to be collected in the current year.

HOUSING BENEFIT OVERPAYMENTS

16. Housing Benefit Overpayments (HBOs) can occur where a housing benefit recipient fails to notify the Council of a change of circumstance which affects the level of housing benefit they are due to receive. In most cases this is due to oversight but in a small number of cases the overpayment is the result of an attempt to defraud. Higher value more important cases of this type are referred to the Department of Work and Pension's Fraud and Error Service (FES) where such action may lead to prosecution or to a financial penalty being applied, known as an administrative penalty.

17. A recent analysis of the outstanding Housing Benefit Overpayments shows by reason of write off:-

	No. of cases	£
Deceased	44	12,467.67
Sequestrated	32	67,876.52
Prescribed*	21	8,046.60
Small value	17	78.10
Council error	10	2733.86
Other	5	618.97
	<u>129</u>	<u>91,821.72</u>

(*prescribed debt is debt that has been legally extinguished due to the time lapsed.)

18. The comparative HBO write-off which the Cabinet approved in 2019 at this time was £90,739.54.

19. Performance on Housing Benefit Overpayment recovery has improved in recent years. In 2017/18, 71% of overpayments identified in that year had been collected and in 2018/19 performance had increased to 89% for the same indicator. We continue to see good results in this area in 2019/20.

20. In many cases HBO debtors' come from very low income households whose only source of income is benefits. For these reasons councils find it difficult to recover HBOs, however, in all cases the recipient is expected to repay the resulting overpayment. Outstanding debts are recovered either through benefit deductions at source (if the recipient is on benefits), payment arrangements with the Debt Recovery Team or direct deductions via the Department of Work and Pensions (DWP).

21. The sum recommended for write off represents around 7% of the total Housing Benefit Overpayment level and can be met from existing bad debt provisions.

FINANCE AND EFFICIENCY

22. The impact of these proposed write-offs is fully provided for within bad debt provision within the Council (i.e. excluding Scottish Water charges).

23. Every effort is made to recover these sums and the decision to seek write-off is not taken lightly or without due cause. Should any future avenue become available by which to recover these monies, this decision does not prevent any such opportunities being pursued, hence the recommendation of write-offs “up to” said amounts.

CONSULTATION AND PARTNERSHIP WORKING

24. Council departments have been consulted in relation to the Sundry debt write off proposals. Scottish Water have been involved in detail of the water/sewerage charge write-off proposals. Our Non-Domestic Rates collection is administered on our behalf by Renfrewshire Council as a shared service.

IMPLICATIONS OF THE REPORT

25. There are no implications in relation to IT, legal, property, equality or sustainability.

CONCLUSION

26. Write-offs are made annually as part of normal business processes. There is accountancy provision for such write-offs and as such they do not affect the Council’s overall finances.

RECOMMENDATIONS

27. It is recommended that the Cabinet:

- (a) approves the write off of the following sums, without prejudice to subsequent recovery, as part of the annual write-off procedure:
 - Council tax arrears totalling up to £242,629.97
 - Non Domestic Rates arrears totalling up to £159,163.35
 - Sundry debt income totalling up to £69,268.86
 - Housing Benefit Overpayments totalling up to £91,821.72.
- (b) notes that the write-off of these sums will have no net impact on the Council’s accounts as provision has been made for the debt, in full, in previous years;
- (c) notes that Water and Sewerage charges totalling up to £80,230.94 are also being written off in discussion with Scottish Water;
- (d) notes that a further paper in relation to Non Domestic Rates will be developed during 2020/21.

REPORT AUTHORS: Alison Ballingall, Senior Revenues Manager, 0141 577 3203 & Fiona Caldwell, Operations Manager, Revenues, 0141 577 3286

Further information is available from Louise Pringle, Head of Communities, Revenues & Change louise.pringle@eastrenfrewshire.gov.uk 0141 577 3136.

BACKGROUND PAPERS

- Debt Management for Council Tax, Sundry Debt income and Housing Benefit Overpayments, Cabinet 14 March 2019
- Write off of Irrecoverable Non Domestic Rates and Arrangements for Administration of Non Domestic Rates, 14 March 2019,
- Write-off of Irrecoverable Council Tax, Non Domestic Rates, Sundry Debts and Housing Benefit Overpayments, 15 March 2018
- Collection of Revenues – Debt Recovery Policy, Cabinet 16 June 2016

Evidence is also provided by the Council Tax system, the Non Domestic Rates system and reports from Sheriff Officers

EAST RENFREWSHIRE COUNCILCABINET6 FEBRUARY 2020Report by Deputy Chief ExecutiveEXTENDED USE OF THE SOCIAL WORK CASE MANAGEMENT SOLUTION**PURPOSE OF REPORT**

1. The purpose of the report is to inform Cabinet on the planned extension of the use of the current Social Work Case Management Solution for a suitable period to allow the appropriate procurement of a replacement solution.

RECOMMENDATIONS

2. It is recommended that Cabinet approve this request for exemption from competition under Contract Standing Order 15ii use of special circumstances to award a contract with OLM for Carefirst to the value of £180,000 to cover the period 01/04/2020 to 30/09/2021. This will provide sufficient time for the national framework to conclude and to then integrate any system changes.

BACKGROUND

3. The Social Work Case Management Solution is the key solution within HSCP which allows for the recording and management of Client Information and Case Recording within all aspects of Social Work.

4. The solution has been in place for over 10 years and the version used is coming to end of its planned life span. The vendor is looking to cease development and support of this version in the next 2 years.

5. The solution supports the delivery of critical child and adult services including the assessment and delivery of care packages to the most vulnerable citizens including home care and financial management, and adult and child protection services. It is imperative that the solution remains in place, stable and supported through any procurement and replacement activity.

6. The time is now right to review the Social Work Case Management system. This has taken into account multiple considerations including the HSCP vision, strategy and opportunities for improving service delivery, National initiatives such as the project for improved Health and Social Care solution Integration, the strategic direction of technology and the industry readiness.

REPORT

7. The replacement of a Social Work Case Management Solution is a significant undertaking. Benchmarking has been conducted with other Local Authorities indicating that the expected completion timescale for solution replacement ranges between 2-3 years. This would allow for 12 months procurement, a 12 month implementation and 12 month contingency; that is available should it be required.

8. A substantial change requires significant departmental resource, and alignment with National initiatives to ensure that there is capacity and cohesion. This will form a fundamental part of the project, and requires sufficient time to ensure that the required activity is undertaken.

9. There will be a need for parallel running of the incumbent and newly procured solutions during the project implementation phase. This extension ensures that a controlled deployment is provisioned for, minimising the risk to the Council and providing resilience to the Service.

10. There is an emerging significant demand for digital, always-on accessible solutions, with user centred design and a modern approach to service delivery. This provision is not fully available as part of the current contract, therefore the extension is required whilst replacement activity is undertaken.

FINANCE AND EFFICIENCY

11. There has been departmental scrutiny of the associated financial spend, budget allocation and fitness for purpose of the solution.

12. A two year procurement process from Scotland Excel was intended to result in the publication of a framework for Social Care solutions, with an award in early January 2020.

13. On 16 January 2020 Scotland Excel formally confirmed that the award of this framework has been rescinded and the tender process will be restarted due to the issues with the previous tender process.

14. The Council will feed into any requests from Scotland Excel for information to support the re-tender exercise and will evaluate appointed Framework suppliers once published to identify the most economically advantageous supplier for the replacement solution.

15. The replacement of the solution will ensure that our future requirements are met under contract. At present there is a financial risk associated with the need for bespoke development due to emerging limitations of the solution as service delivery methods and mechanisms develop.

CONSULTATION

16. There has been significant input and consultation with the HSCP DMT, departmental stakeholders and ICT. This has allowed us to formulate the replacement proposal and programme that achieves the optimum outcome in a suitable timescale.

17. Legal services were consulted on the planned extension to this contract to allow time for the Scotland Excel Framework to become available and subsequent implementation work to take place.

PARTNERSHIP WORKING

18. There are limited opportunities currently identified however identification of Lessons Learned from other authorities and ongoing collaboration with the Scottish Local Government Digital Office, the relevant services will continue to explore opportunities.

IMPLICATIONS OF THE PROPOSALS

19. The continued use of the current solution is required to ensure that continuation of service and resilience for the service application, whilst the next generation solution is procured.

CONCLUSIONS

20. This approval for an extension is being sought to support the planned replacement of the Social Work Case Management Solution; ensuring suitable provisions are in place to support the transitional period. Providing stability for the critical business application throughout the programme, a sufficient contingency period allowed for to ensure success, and provision for continuity of service during a period of significant technical change.

RECOMMENDATIONS

21. It is recommended that Cabinet approve this request for exemption from competition under Contract Standing Order 15ii use of special circumstances to award a contract with OLM for Carefirst to the value of £180,000 to cover the period 01/04/2020 to 30/09/2021. This will provide sufficient time for the national framework to conclude and to then integrate any system changes.

Caroline Innes, Deputy Chief Executive

REPORT AUTHOR

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22 January 2020

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EAST RENFREWSHIRE COUNCILCABINET6 February 2020Report by Director of EnvironmentGREENLAW BUSINESS CENTRE, NEWTON MEARNS:
OPERATIONAL UPDATE AND LETTING POLICY APPROVAL**PURPOSE OF REPORT**

1. The purpose of this report is to update the Cabinet on progress with the Glasgow City Region City Deal funded Greenlaw Business Centre and to seek approval for a letting policy which is focused on start up and small to medium sized businesses which have the potential to create economic growth measured by additional Gross Value Added (GVA) in accordance with the City Deal Infrastructure Fund criteria.

RECOMMENDATIONS

2. It is recommended that the Cabinet
- (a) Approves a letting policy that focuses on occupancy of the accommodation by start-up and small to medium sized businesses with the aim of maximising economic growth and Gross Value Added (GVA); and
 - (b) Notes that the Director of Environment will develop a pricing strategy that reflects the quality of the accommodation and the local market for business centre suites as well as complying with European state aid rules where applicable.

BACKGROUND

3. Greenlaw Business Centre is principally funded from East Renfrewshire's £44 million investment package from the Glasgow City Region City Deal. The Centre is an ambitious project developed to stimulate economic growth and create opportunities for small and medium sized businesses to grow in East Renfrewshire and in the wider City Region area. The investment will generate inclusive economic growth benefits, additional GVA and employment.

4. All City Deal projects had to comply with a strict set of criteria to be approved. The main aim of the City Deal was to create economic growth at the City region and the UK level. All projects are heavily scrutinised by the UK and Scottish Governments to ensure that economic growth will be achieved. A series of Gateways are in place at which the Governments assess the impact of the funding and determine if the funding criteria have been met before agreeing to approve the next phase of funding.

5. The first gateway process is underway and the Greenlaw Centre was one of the projects which was chosen for independent evaluation. The evaluation was positive but accepted that the project was at too early a phase to measure accurately economic benefits. However, the evaluation did advise that potentially after a year of 50% occupancy Greenlaw Business Centre could generate a gross GVA of around £1.8 million. After a year of 100%

occupancy the Centre could generate a gross GVA of around £3.5 million. It is therefore crucial that a focus is maintained on the Greenlaw Centre to ensure that economic benefits are achieved i.e. business growth measured by turnover increase and job creation.

6. Future evaluations by the 2 Governments will look for evidence of economic growth and will also want to ensure that there is also net growth i.e.

- Limited displacement (businesses have not only been displaced from another area with no further growth)
- additionality (businesses have grown faster as a result of the centre)

7. Therefore the aim of the Centre is not to achieve maximum rental income but to achieve maximum economic growth.

REPORT

8. Located within the Greenlaw area in Newton Mearns, adjacent to Junction 4 of the M77, the 20,000 sq.ft. (gross) business centre will meet a growing demand for high quality office accommodation for small to medium sized businesses and creates the final element of the existing retail and commercial centre development at Greenlaw providing new employment opportunities.

9. With a total project budget of £5.72 million, including £0.12 million from developer contributions, the building construction is complete and it is on track to be operational in the coming months.

10. Greenlaw Business Centre, to be branded as **the greenlaw works**, is an extremely high quality development and features an impressive central atrium, 35 office suites, car parking, meeting rooms, breakout areas and a dedicated co-working office suite. It is located adjacent to the M77. Photographs of the development are attached and a viewing event has been arranged for Elected Members on 6 February 2020.

11. A variety of operational models were considered. After review, including marketing the opportunity to the private sector business centre operator market, it was identified that the Council would be best placed to operate the business centre directly. This model best supports the Council's objectives of cost effectively supporting start-ups and growing businesses. The day to day operation will be controlled by CBRE, an experienced property management company. However, responsibility for the management strategy of the facility will lie ultimately with the Environment Department.

12. Prospective tenants will be offered a monthly contract incorporating a fixed and transparent payment covering rent, service charge and ICT (telephony, data and cable fibre). This will be determined in operational terms by the Director of Environment.

13. The proposed letting policy will encourage the occupancy of the business centre by start-ups and small to medium sized businesses. This is in line with the City Deal objectives of generating economic growth, contributing towards additional Gross Value Added (GVA) and generating local employment.

14. The business centre has attracted a very high level of initial interest without active marketing. Enquiries to date suggest there is interest in the space from local businesses involved in a range of office based activities. A dedicated marketing campaign will support the letting of the building which will commence in early February 2020.

FINANCE AND EFFICIENCY

15. This project is principally funded by the Glasgow City Region City Deal.

16. The contract for tenants will include the ICT and rent/service charge. The service charge will cover common cleaning, repair and maintenance and insurance. Each tenant will be responsible for rates. It is expected that all rooms will fall under the rates relief scheme. However, this will be dependent on the eligibility of each tenant.

17. There will be an initial cost to the Environment Department of operating the facility. This will be met from existing resources. However, this is expected to be off-set or exceeded by income in future years once the facility is established.

CONSULTATION AND PARTNERSHIP WORKING

18. There has been consultation with the Council's City Deal Team, Economic Development, IT, Legal, Procurement and Estates teams.

IMPLICATIONS OF THE PROPOSALS

19. There are no staffing, equalities or sustainability implications directly associated with this report. The proposal, specifically in terms of property, state aid, Legal, ICT and procurement has been considered in conjunction with the appropriate services.

CONCLUSION

20. Meeting a growing local demand, Greenlaw Business Centre will provide an excellent, accessible, attractive and flexible base for the development of businesses in East Renfrewshire.

RECOMMENDATION

21. It is recommended that the Cabinet

- (a) Approves a letting policy that focuses on occupancy of the accommodation by start-up and small to medium sized businesses with the aim of maximising economic growth and Gross Value Added (GVA); and
- (b) Notes that the Director of Environment will develop a pricing strategy that reflects the quality of the accommodation and the local market for business centre suites as well as complying with European state aid rules where applicable.

Director of Environment

Further information can be obtained from: Phil Daws, Head of Environment (Strategic Services) on 0141 577 3186 or Phil.Daws@eastrenfrewshire.gov.uk

February 2020

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APPENDIX 1: DRAFT BROCHURE IN DEVELOPMENT**OFFICES TO LET****Greenlaw Business Centre**

6 Greenlaw Way | Newton Mearns | East Renfrewshire | G77 6EF

- New offices from 15 sqm (162 sq.ft.) to 94 sqm (1,012 sq.ft.)
- Prominent location adjacent to J4 M77
- Flexible lease / licence terms
- Fantastic car parking ratio
- EPC rating 'A'



Viewings strictly by appointment with:

John Wilson | john.wilson@eastrenfrewshire.gov.uk**Shahzad Shaffi** | shahzad.shaffi@eastrenfrewshire.gov.uk

LOCATION

Greenlaw Business Centre is located within the mixed residential and commercial Greenlaw Village which is directly accessible from Junction 4 of the M77 motorway and from Newton Mearns, Glasgow.



Patterton Park and Ride
12 mins walk



Glasgow City Centre
15 mins drive off-peak



Glasgow Airport
20 mins drive

DESCRIPTION

- Attractive full height glazed roof central atrium
- Meeting space and breakout areas
- Dedicated co-working area
- Superfast commercial broadband
- 2 x EV electric car charging points
- 93 car parking spaces
- Motorcycle anchor points
- Covered cycle racks
- Tea preparation areas
- Shower facilities
- Lift access

RATEABLE VALUE

The tenant will be responsible for any rates payable. Tenants may be eligible for Rates Relief under the Small Business Bonus Scheme.

**TERMS**

The office space is available by way of a lease/licence for a term to be agreed.

VALUE ADDED TAX / LBTT

The property is not elected for Value Added Tax (VAT). Any Intending lessees must satisfy themselves as to the incidence of VAT in respect of any transaction. The lessee will be responsible for any Land Buildings Transaction Tax (LBTT) or recording dues that are applicable for any transaction.

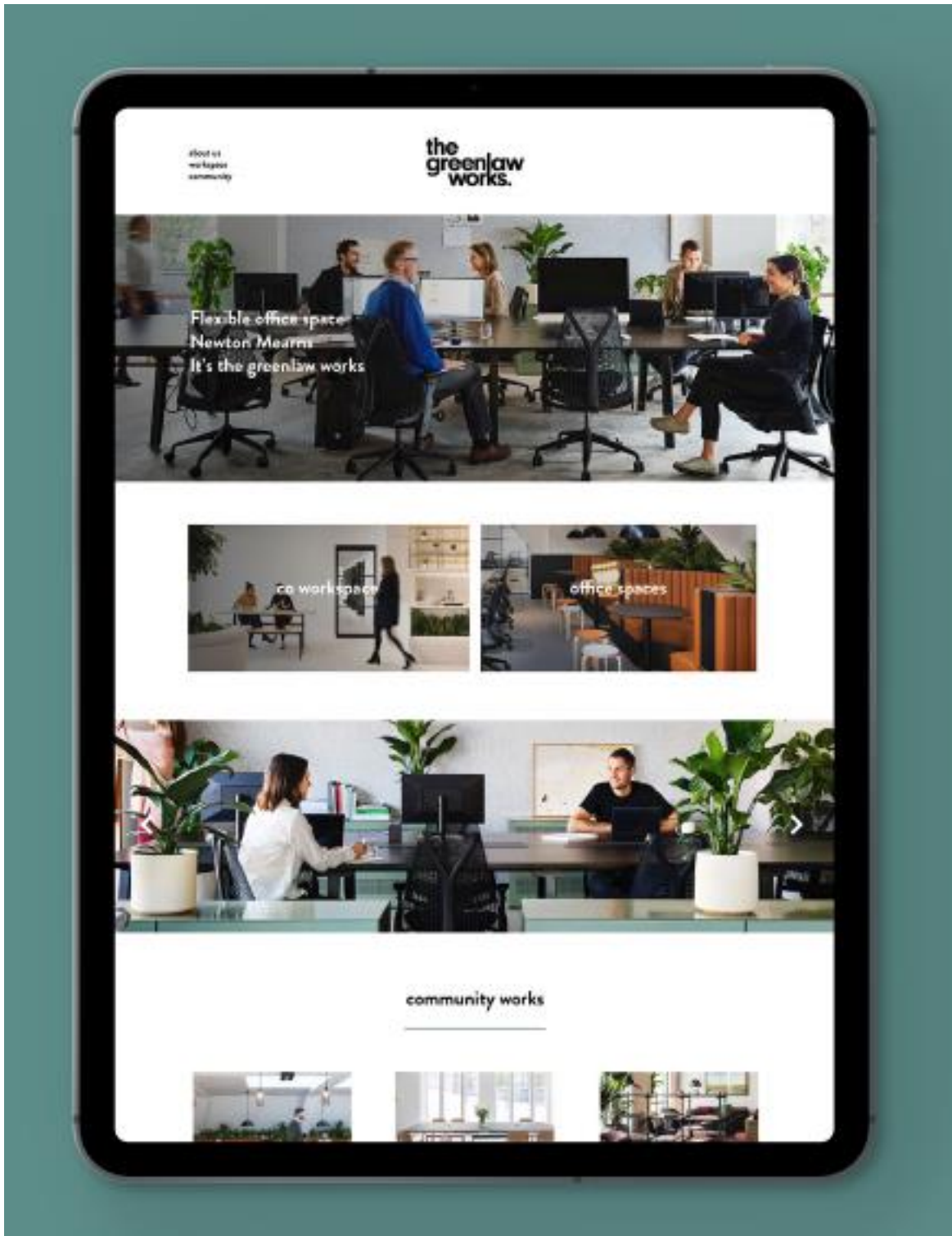


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Date of publication: October 2019

www.eastrenfrewshire.gov.uk/GreenlawBusinessCentre

APPENDIX 2: BRANDING CONCEPTS IN DEVELOPMENT



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APPENDIX 3: RECEPTION SIGNAGE PROPOSAL



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EAST RENFREWSHIRE COUNCILCABINET6 February 2020Report by Director of EnvironmentMEMORIAL SAFETY INSPECTION – CATHCART CEMETERY**PURPOSE OF REPORT**

1. To advise the Cabinet of an award of contract made as a matter of urgency in terms of Contract Standing Order 15(i) to address concerns relative to the existing health and safety risks noted within Cathcart Cemetery.

RECOMMENDATIONS

2. The Cabinet is asked to:
- (a) Note the reasons for the need to undertake as a matter of urgency the inspection of headstones/memorials within Cathcart Cemetery;
 - (b) Note the use of Standing Order 15(i) of the Council's Standing Orders to award a contract for such inspection; and
 - (c) Note that the work covered by this contract forms the essential initial stage of a wider process to reduce the level of risk at the cemetery to acceptable levels within the shortest possible timeframe.

BACKGROUND

3. In Scotland, the safety and stability of Headstones and Memorials has come under significant scrutiny as a result of the fatal accident resulting in the death of a young child at Glasgow City Council's Craigton Cemetery.

4. This tragic incident called into question the safety and stability of headstones and memorials across all Councils within Scotland and the associated implications and potential liability for Councils in maintaining cemetery grounds and churchyards. The fatal accident enquiry that followed found that there were up to 900 headstones in an unsafe condition after memorial testing in Craigton Cemetery took place. The findings from the enquiry concluded that if certain safety precautions had been taken the tragedy may not have occurred.

5. The need to be proactive and advance this area of work has been further compounded by the recent official Guidance issued in June 2019 by the Scottish Government in relation to Burial Ground Memorial Safety which directly relates to Local Authorities. This guidance resulted from a recommendation following the outcome of the fatal accident enquiry in Glasgow. The Guidance advocates a system of memorial inspection be established to cover each headstone/memorial within Cemetery grounds under Council control.

6. In addition to the above, the Council also has legislative obligations which are relevant under the Health and Safety at Work Act 1974 (as amended) and the Occupier's Liability (Scotland) Act 1960.

7. Cathcart Cemetery dates from the 1800's. This particular cemetery is a well used open space in terms of general public access and people wishing to visit lairs. It also has historical/heritage interest to individuals as well as community/friends groups.

REPORT

8. Following a risk assessment, a significant number of sections in Cathcart cemetery have been identified by the Council's Corporate Health and Safety Unit as being of "High Risk" to the public. A Health and Safety assessment has concluded that this will remain the case until the headstones/memorials have undergone safety inspection and been made safe where necessary.

9. Until work has been undertaken to make safe any memorials which currently pose a risk of collapse there remains a risk that injury may be suffered by visitors to the cemetery. This risk applies to both members of the public and Council staff required to undertake duties in that environment. As evidenced by the Glasgow incident a risk to life cannot be ruled out. Any such injuries may bring liability upon the Council.

10. Given the high risk, as identified by the Corporate Health and Safety Unit, there has been an urgent requirement to undertake an inspection programme (this is the 1st stage of the process) of all the headstones within Cathcart within a relatively tight timeframe to mitigate risk to both the public and our workforce, without having a significant impact on frontline services. The resource to undertake such a significant inspection regime does not exist internally and there is no existing framework available to procure such services given their unique nature.

11. East Renfrewshire Council's Standing Orders for Contracts allow an exemption from the need for competition to be granted "where the Director of the procuring department considers that the contract is urgently required to minimise risk of personal injury or damage to property."

12. A contract has therefore been awarded to Memsafe Memorial Safety Management who have considerable experience and expertise in this field and have been working on inspections with other Councils. The work started in November 2019 and will be completed in the near future. The contract is for a maximum of £150,000 but is expected to cost less.

13. This will quickly allow the Council to assess the true degree of risk and failure rate of headstones/memorials within Cathcart.

14. The contractor concerned will visually assess, physically assess and risk assess headstones and memorials up to 3.5 meters high. A photograph will be recorded against each headstone/memorial and this work will contribute towards the Council meeting its required legislative requirements in relation to the digitalisation of Cemetery records.

15. Following on from this inspection activity informed decisions can be made as to the appropriate remedy which may include an urgent requirement to make-safe (not repair) any unstable headstone/memorial. It is important to note that the Council is not responsible for the repair of any headstone/memorial as this is the responsibility of the lair holder. The challenge East Renfrewshire Council faces with Cathcart is that the lairs/headstones/memorials are in some cases 200 years old.

16. The revenue implications will only be known once the inspection process is complete and the extent of the remedy required is known.

17. There will be a further requirement to undertake an inspection programme across all other cemeteries and churchyards which East Renfrewshire Council have responsibility for but this will be undertaken utilising internal resource, as the risk level for those locations is not identified by Corporate Health and Safety as high. The service has submitted a new burden request for 2020/21 to finance the inspection of all other cemeteries and kirkyards and this will also cover the reinspections which are required at a maximum of 5 year intervals.

FINANCE AND EFFICIENCY

18. Provision has been made within existing resources for 2019/20 to procure inspection services at a maximum cost of £150,000.

19. This budget does not include any funds for making safe memorials. The scale of work required can only be determined once the inspection process has concluded. The inspection exercise will assess the extent of failure rate and the data gathered will allow the Neighbourhood Services Management Team within Environment to make informed decisions around the appropriate remedial action. The service has a small amount of contingency revenue to cover any high risk immediate remedial works identified through this process. This will be utilised only to make certain memorials/headstones safe but not to return them to their original state.

CONSULTATION

20. Advice, guidance and approval for use of the exemption was sought from the Chief Officer Legal and Procurement. This was to ensure any award was in line with correct contracting procedures prior to the commencement of any direct award of works.

21. There has been consultation with the Finance Business Partner (Environment).

PARTNERSHIP WORKING

22. Partnership working was undertaken with support and assistance from Finance, Procurement and Legal Services.

IMPLICATIONS OF THE PROPOSALS

23. This work is required to assess the safety of memorials within Cathcart Cemetery as a precursor to making safe any headstones / memorials found to be in an unsafe condition. The award of this contract will have no implications on Council services at this time.

CONCLUSIONS

24. The urgency of mitigating risk to the public and workforce is essential. The initial inspection work will commence the process of proactive risk reduction for East Renfrewshire Council and the award of this work will enable this to be undertaken within timeframes which are reflective of the risk level associated with this area of work. The output of this work will then allow for further decision making on the remedies appropriate to Cathcart Cemetery.

RECOMMENDATIONS

25. The Cabinet is asked to:

- (a) Note the reasons for the need to undertake as a matter of urgency the inspection of headstones/memorials within Cathcart Cemetery;
- (b) Note the use of Standing Order 15(i) of the Council's Standing Orders to award a contract for such inspection; and
- (c) Note that the work covered by this contract forms the essential initial stage of a wider process to reduce the level of risk at the cemetery to acceptable levels within the shortest possible timeframe.

Director of Environment

Further information and background papers can be obtained from Danielle Moore, Neighbourhood Services Support Manager on 0141 577 3616, email: danielle.moore@eastrenfrewshire.gov.uk

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