

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

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- (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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