

Leicester
City Council

WARDS AFFECTED: CASTLE WARD

CABINET

1ST SEPTEMBER 2003

MEMORIAL SAFETY – WELFORD ROAD CEMETERY

Report of the Corporate Director for Cultural Services and Neighbourhood Renewal

1 Purpose of Report

To inform members that, for health & safety reasons, the Corporate Director has utilised an exception clause under Contract Procedure Rules of the City Council in order to enable essential safety works to be carried out at Welford Road Cemetery as a matter of urgency.

2 Summary

2.1 Restoration works carried out at the cemetery identified major safety problems with memorials. The cemetery was therefore temporarily closed by the Corporate Director to enable essential health and safety works to be carried out. This decision was supported by the Department's Health & Safety Advisor.

2.1 In accordance with contract procedure rules, works of this cost should be subject to tender. In view of the immediate and significant health and safety issues the Corporate Director considered that any delay would not be in the Councils' best interests. It was therefore decided to use an exception clause under the contract procedure rules to enable the work to be done immediately and to reduce the risk to the public and amount of time the cemetery would be closed to the public.

3 Recommendations

Cabinet note the action taken by the Corporate Director to ensure that essential health and safety works were carried out at Welford Road Cemetery as described in the report.

4 Financial & Legal Implications

4.1 Financial Implications

4.1.1 £100,000 is allocated for memorial safety work and other improvements within the revenue budget for cemeteries for 2003/2004. The Corporate Director has agreed that £60,000 of this provision is allocated to the works needed at Welford Road Cemetery. (Jayne Tysoe, CS&NR Head of Finance)

4.2 Legal Implications

4.2.1 All other aspects of the contract procedure rules have been adhered to. The value of this work falls below the EC procurement threshold. Contract procedure rules requires that all contracts with an estimated value in excess of £35,000 should be tendered.

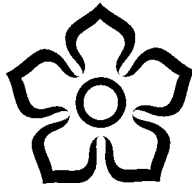
However, contract procedure rules 4.1 (k) states: contracts certified by the relevant Director as being urgent and where it would be contrary to the Council's interest to seek tenders PROVIDED THAT the Director's action shall be reported to the next meeting of Cabinet and wherever practicable such report shall be made before a contract is awarded. (Sue Doyle, Legal Services)

5 Report Author

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(SPORTSC132.doc)

DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



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WELFORD ROAD CEMETERY MEMORIAL SAFETY

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SUPPORTING INFORMATION

Report

1. Background

- 1.1. In the 2002/2003 financial year there was a capital allocation of £25,000 to fund the first phase of memorial restoration works at Welford Road Cemetery. During the works the council were notified by its consultant, Keith Welters, that major problems had been identified with memorials in relation to their safety.
- 1.2. After an urgent site visit by the Corporate Director, Welford Road Cemetery was closed due to the immediate need to undertake essential health and safety works.
- 1.3. The department's Health and Safety Advisor advised that the cemetery can only be re opened once all memorials have been assessed and those found to be a hazard made safe.
- 1.4. The estimated cost of £60,000 for this work requires, under Council procedures, for the works to be tendered. However, due to the urgent nature of the problem the Corporate Director considered that it would create an inappropriate and lengthy delay to the re opening of the cemetery and a risk to public safety. It would therefore be contrary to the Council's interest to seek tenders.
- 1.5. In order for the works to continue the Corporate Director has used the exception clause under 4.1 (k) of the Contract Procedure Rules. Under this clause the Director's action shall be reported to the next meeting of the Cabinet.

Financial Legal and Other Implications

1 Financial Implications

Nothing to add to covering report.

2 Legal Implications

Nothing to add to covering report.

3 Other Implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	No	.
Policy	YES	1.5
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly People/People on Low Income	No	

3.2 Risk Assessment Matrix

	Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
1	Serious injury/death as a result of falling headstones	L	H	Closure of Cemetery pending memorial safety work already actioned.

L - Low

M - Medium

H - High

L - Low

M - Medium

H - High

4 Background Papers – None

5 Consultations

Consultee

CS&NR Head of Finance
Procurement Services Manager
Sue Doyle - Legal Services

Date Consulted

June 2003
April 2003
June 2003

(SPORT.SC.132)