

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: RE18 0145

BOX 1

DIRECTORATE: Regeneration & Environment **DATE:** 7 March 2019

Contact Name: Tracey Harwood **Tel. No.:**01302 862485

Subject Matter: Hatfield Colliery site security for 2019/20

BOX 2**DECISION TAKEN**

To continue to contract with JMC Engineering to provide site security at Hatfield Colliery site for 2019/20. The associated costs of this on-going security to be met from 2018/19 Contingency.

BOX 3**REASON FOR THE DECISION**

- 3.1 The Council entered into an agreement with JMC (Engineering) UK Ltd in 2015. If we continue with this arrangement, it will ensure the continuity of site security, coupled with the extensive site-specific knowledge of the existing contractor. This will ensure that there is no period where the site is insecure. As a result, the health and safety risk will be mitigated as far as reasonably possible.
- 3.2 The buildings and headstocks pose an immediate health and safety risk; they are dilapidated and are attractive to trespassers who have been known to climb similar headstocks, therefore creating a significant health and safety risk.
- 3.2 As of 2 November 2018, the site report reflected that theft/intruder activity has been increasing over this month. Security personnel are still escorting thieves off site. Quads and motocross bikes are running both around site and on the tips. As reported, the main concern is surrounding incidents associated with human factors - accidental or deliberate interventions by trespassers, opportunist thieves, adrenaline junkies or closure tourists.
- 3.3 The risk to human health will increase should any barriers or security removed. As the likelihood of an incident will increase. From a public health perspective, the site should be made as safe as possible before the barriers or security is removed to protect human health.

- 3.4 It should be noted that the site itself poses a number of major risk (in accordance with those associated with large mining sites). This includes issues such as lagoons, spoil tips and associated subsidence.
- 3.5 There is no allocated budget for Hatfield Colliery so in order for the work to be undertaken funding will need to be secured from the Councils 2018/19 Contingency.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 4.1 **Do Nothing** – if the Council does nothing the site will be left without sufficient measures in place to prevent unauthorised access to the remaining buildings and Headstocks, representing a risk to health and safety. Given that the Council has provided security on the site, we must be in position to show that we have done all that is reasonable to prevent accidents on the site before removing security.
- 4.2 **Continue with current arrangements** – this will involve an ongoing commitment of approx. £150,000 per annum for site security and site inspection and will not address the deterioration of the headstocks and the buildings. (This has been covered by a previous ODR ref RE17 0169).
- 4.3 **Recommend option** - to carry on with the current arrangement for site security.

BOX 5

LEGAL IMPLICATIONS

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives an Authority power to purchase goods and services.

The legal position around Health & Safety at Hatfield Colliery is complex and has been the subject of previous detailed legal advice, but in summary, whilst the Council don't have legal responsibility for Health & Safety at the site, as a responsible Council it cannot simply close its eyes and allow a risky site to be open to the public, thus there is a need to continue with the current security arrangements detailed within the report.

The continued appointment for the provision of these services should comply with the Councils Contract Procedure Rules.

Name: Nicky Dobson Signature: Date: 15 March 2019

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6**FINANCIAL IMPLICATIONS:**

The total cost of £150k required will be met from the 2018/19 Contingency. This is made up of 52 weeks site security at £2,318.54 a week (£121k) and £29k for the ongoing repairs and maintenance costs for the site.

Any costs incurred beyond the £150k will have to be met from the emergency planning budget which doesn't have any allocated budget for this expense so will create an overspend for the service.

Name: Richard Taylor **Signature:** _____ **Date:** 07/03/19

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7**OTHER RELEVANT IMPLICATIONS**

Name: _____ **Signature:** _____ **Date:** _____

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. For the purpose of this report there are no equality implications.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

9.1 The risks are outlined in the body of the report. The main concern is surrounding incidents associated with human factors - accidental or deliberate interventions by trespassers, opportunist thieves, adrenaline junkies or closure tourists.

- 9.2 The risk to human health will increase should the structures be left .As the likelihood of an incident will increase. From a public health perspective, the site should be made as safe as possible before the barriers or security is removed to protect human health.
- 9.3 To protect the public Doncaster Council has undertaken the management of both structures through the employment of JMC. In the event of an incident whereby a member of the public is injured, Doncaster Council could face potential litigation and prosecution fines under the '*Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences Definitive Guidelines*'. The fines under these guidelines for a large organisation can reach up to 10 million pounds.

BOX 10 CONSULTATION

Peter Dale, Director Regeneration and Environment
Debbie Hogg, Director of Finance and Corporate Services
Gill Gillies, Assistant Director Environment
Dave Wilkinson, Assistant Director Trading Services

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

The Cabinet Portfolio Holder for Communities, the Voluntary Sector and Environment Councillor Chris McGuinness has been consulted and is supportive.

The Cabinet member for Health and Safety Councillor Nigel Ball has been consulted and is supportive.

BOX 11 INFORMATION NOT FOR PUBLICATION

It is in the public's interest to be aware of this decision under the Freedom of Information Act 2000, therefore this record will be published with redactions of signatures contained.

Name: Sarah Greaves Signature By Date: 19/03/19

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR NO
(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: Gill Gillies Signature: Date: 26.03.19

Assistant Director of Environment

Does this decision require authorisation by the Chief Financial Officer or other Officer

YES

If yes please authorise below:

Name: Steve Mawson Signature: Date: 5th April 2019

Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: _____ Signature: _____ Date: _____

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.