

**Newbyres Crescent, Gorebridge  
Options to Resolve Gas Migration****Report by Kenneth Lawrie, Chief Executive****1 Purpose of Report**

Reference is made to the report to Council dated 17 June 2014, when the decision was made to demolish the 64 properties at Newbyres Crescent, Gorebridge. This report outlines options for rectification for consideration by Council to ensure the protection of the public health of the residents and the long term resolution for the site.

**2 Background**

Four prior reports:

- Cabinet Report, dated 22 April, Item No 17
- Special Council Report, dated 20 May, Item No 4
- Council Report, dated 17 June, Items 3A and 4
- Special Council Report, dated 17 June

have been presented to Cabinet and Council regarding public health, public safety, authorisation of the necessary resources and the options for rectification of the site are detailed in the Background Papers listed:

The last report to Council, of 17 June 2014, recommended 5 options for consideration, 2 of which were approved by Council to:

*“Note the options and the recommendations to progress Options 2 or Option 5, subject to legal opinion and taking full cognisance of the Incident Management Team’s findings.”*

The two options are:

- a) Option 2 – Demolish and rebuild the houses incorporating gas membranes in all 64 properties.
- b) Option 5 – Demolish all 64 properties and market the site as a potential development site.

Also considered at the Council meeting of 17 June 2014, was a further report (Item 3A) which outlined NHS Lothian’s Incident Management Team response to the Council recommendations.

Since this last report the Council has received a response letter dated 25 June 2014 following the Council Leader's meeting with Derek Mackay, MSP, Scottish Government Minister for Local Government and Planning. This letter noted his appreciation that Midlothian Council has dealt with this challenging and exceptional issue in a positive and co-ordinated manner. The letter is included in Appendix 1.

## **2.1 Legal Position/Liability**

### **2.1.1 Legal Position**

Discussions are ongoing with external legal advisors, Shepherd and Wedderburn and independent advisors Fairhursts with a view to considering the legal liability for the cause of ground gases leaking into houses and the remedies available to the Council. Given the recommendation from Fairhursts and the Incident Management Team's subsequent recognition of the Council's decision to demolish the affected properties, Shepherd and Wedderburn's view is that there are good prospects of persuading a court that the Council would be acting reasonably in demolishing the properties built at Gore Avenue and Newbyres Crescent, Gorebridge. Demolition would remedy the absence of a gas membrane and that therefore the costs incurred in following either option 2 or 5 in the report to Council dated 17 June 2014 should be recoverable from those parties who are found to be at fault.

### **2.1.2 Insurance Position**

A meeting with the Council's Brokers, Marsh Limited, took place on 19 June 2014 at which they were updated on the current situation, subject to ongoing discussions following legal advice from Shepherd and Wedderburn.

## **3 Engineering Position**

The Council's independent advisers, Fairhurst, have produced their final report on the planned monitoring cycles, a copy of which is contained in the Member's Library.

Following the last Core Group Incident Management Team meeting, it was recommended to continue monitoring CO<sub>2</sub> in the houses until all the residents have been re-housed. A further monitoring cycle of 20 weeks has commenced from 15 September 2014, with installation of 9 meters completed and a weekly programme to monitor downloads will be recorded. The data provided will also inform the prioritisation process for re-housing households and data is shared with the Incident Management Team on a weekly basis to correspond with Council practice of disclosure and compliance with the recommendations to safeguard public health.

### 3.1 Geotechnical Report

The summary of the monitoring strategy is as follows:

- 3.1.1** *'Following our review of the available information in conjunction with recently undertaken ground gas monitoring, sampling and testing at the site, it is beyond reasonable doubt that ground gases (mainly Carbon Dioxide) arising from coal measures or abandoned coal workings is migrating via natural or anthropogenic pathways have entered and have the probability to continue to enter the properties at 'the site' during periods of rapidly falling or low atmospheric pressure and possibly during periods of rising groundwater or waters within the underground coal mines. The ground gas entry to the properties is occurring as the existing properties on the site do not have any recognised gas defence/mitigation measures incorporated into the structure.*

*It should be noted that during the monitoring of all ground floor properties at the site Carbon Dioxide was recorded in five properties (2, 4, 6, 87 & 89 Newbyres Crescent) at levels which exceeded levels regarded as not fit for habitation. The levels of Carbon Dioxide encountered during monitoring by The Coal Authority, SEPA and Fairhurst have identified concentrations at levels where properties are not fit for habitation and in the instance of 87/89 Newbyres Crescent, potentially fatal levels.*

*Other properties at the site were not found to have elevated levels of Carbon Dioxide during the monitoring period. However, it must be considered that monitoring following that of Cycle 2 was not subject to the same barometric pressure extremes and frozen ground conditions likely to generate the 'worst case scenario' in terms of ground gas migration into properties from the underlying coal measures and workings which were experienced during Monitoring of Cycle 1. It was concluded on the basis of the elevated levels for Carbon Dioxide recorded that action must be undertaken to remove the receptors (ie the residents) from the properties.*

*Considering the above, and in particular the concentrations of Carbon Dioxide Gas identified in excess of potentially fatal levels within habitable areas of the properties, we recommend that Midlothian Council err on the side of caution, in accordance with the risk assessment guidance published regarding ground gas, in their decision making process when considering a solution to the problem. This conservatism is solely based on the risk to human health and life.*

*In our assessment of solutions to 'the problem', we explored the potential for retrofitting of the existing properties at the site with ground gas membranes and active system of pumping clean air under the existing footprint of each plot. In conjunction with structural engineers, suitably qualified and experienced installers of such systems and with the assistance of staff within Midlothian Council, it was established that the retrofitting of such systems was not technically feasible in creating a gas proof structure that would not potentially be compromised by subsequent remedial construction works. Such potential solutions were also untried and not deemed as readily feasible in the particular application of retrofitting to a timber framed house. They lacked a suitable track record in post verification works monitoring to give any degree of certainty that they were acceptable techniques as a long term solution of preventing future gas ingress over the design life of the properties. The Incident Management Team (IMT) also provided criteria for the performance of such systems in which they indicated that any technical solution required to be guaranteed to be 100% able to prevent ground gas ingress. This guarantee could not be provided from the designers or installers of such systems. In addition to this the IMT during a meeting indicated that up and extended period of post-installation verification monitoring during which the properties would be uninhabitable and with no certainty of success, would undoubtedly be required and may be up to or in excess of 5 years. In considering the significant concentrations of Carbon Dioxide and imminent risk to Human Health and Human Life we would not disagree with the IMT regarding the application of stringent criteria in this situation.*

*It is our considered opinion, however, that the site could be safely and successfully re-developed in the future.*

*To facilitate redevelopment, existing superstructures and substructures including all foundations would require demolition and removal with possible excavation of the existing strip foundations/pilecaps.*

*Prior to redevelopment of the site further appropriately designed investigation, ground gas monitoring, risk assessment and appropriately designed, installed and verified gas defence systems included within the building structures of the building and within the site itself (with possible ventilation at site perimeters).*

*It is likely that grouting of the existing stone columns is required to prevent the future transmission (and potentially the garden areas found to have voids present) and reconstruction of all units incorporating gas defence systems and appropriate post installation verification works and monitoring. However, this element should be considered and designed by the future developer of the site and their chosen design team and in conjunction with the IMT as they may seek to have a continued role in the redevelopment.'*

*Source: Fairhurst Report; dated September 2014*

## 4 Incident Management Team (IMT)

- 4.1 The Health Protection Team, Directorate of Public Health and Health Policy, NHS Lothian was alerted to the impact on human health by local medical practitioners on 26 March 2014. An Incident Management Team was convened in line with Scottish Government Guidance on the Management of Public Health Incidents. Its Authority is derived from the Public Health Act and the statutory responsibilities of the Director of Public Health for the local population.

The primary purpose of the Incident Management Team is protecting public health by conducting systematic investigations to address Health Risk Assessment and to then identify appropriate Health Risk Management options for action by the relevant agencies. The Incident Management Team is led by a Consultant in Public Health Medicine (CPHM), acting with the delegated authority of the Director of Public Health. The first full meeting was held on 15 April 2014.

The Chair of the Incident Management Team has overall responsibility for managing the public health aspects of the incident, co-coordinating the activities of the other agencies and obtaining independent expert advice to inform its decisions. The Chair of the Incident Management Team, in partnership with Health Protection Scotland and Scottish Government officials of the Office of the Chief Medical Officer, ensures that Ministers are briefed in line with the protocol agreed with Scottish Government for the handling of public health incidents.

The 10 extra care houses on the opposite side of the road will also require to be demolished as there cannot be a guarantee that gas incident levels will not exceed human health thresholds over the design life of the properties.

The draft minute (as at 22 September 2014) of the Incident Management Team meeting of 09 July, 2014 states:-

*The Incident Management Team welcomed the Council's decision to demolish the affected properties as it will eradicate exposure of current residents to the risk of CO2. However, the IMT remains concerned about the long term future of the site in safeguarding public health and continue to take evidence and advice in order to come up with a view. The unstable ground that was heavily underpinned is of particular concern to the IMT. The IMT also requires information on the extent of the Council's proposed demolition and the plans for the site after demolition. The Incident Management Team asks that consideration be made to designating it a 'contaminated site'.*

*Source: Incident Management Team draft Report; dated August 2014*

## **4.2 Declaration of Contaminated Land**

Any declaration of statutory contaminated land, under Part IIA of the Environmental Protection Act 1990 (as amended), for a site of this nature, is a matter for consideration by the Local Authority.

Where statutory contaminated land exists there may be a designation of a 'Special site' applied if specific circumstances are met and such special sites should be referred by the Authority to SEPA. Essentially the special circumstances to make a contaminated land site a 'Special site' relates to any of three categories of contamination, namely water pollution, certain types of industrial usage and Defence cases. In relation to this location, the Council has determined that a matter of this nature does not fall within the definition of a 'Special site'. In addition the Local Authority has made the decision that the land does not meet the statutory definition of Contaminated Land.

## **4.3 Radon**

Midlothian Council is continuing with the radon testing programme at Newbyres Crescent. The results from the small number of 'fast track' radon monitors that were installed proved inconclusive and consequently the Council is continuing with the full testing programme. Results are anticipated by November 2014 and any appropriate safeguards can be incorporated into any subsequent build.

## **4.4 Care for People Group**

### **4.4.1** The Care for People Group was established to comply with the responsibilities of the Council under the Civil Contingencies Act 2004. The group specifically support Scottish Government guidance, "Preparing Scotland, Care of People Affected by Emergencies". This multi-agency group includes representatives from NHS Lothian, Police Scotland, utilities, voluntary sector and faith groups and is chaired by Alison White, Head of Service, Adults and Social Care.

The loss of homes and moving from an existing neighbourhood can have an impact on individuals and result in considerable anxiety, concern and emotional distress. Having recognised the continued uncertainty that residents are experiencing and the inevitable disruption that will occur to their lives the Care for People Group are focusing on the physical and mental wellbeing of the residents.

All school provision requests have been met to date. Adult and Social Care continue to work with colleagues in Education to ensure that they have as much notice as possible for any moves.

Some households are particularly vulnerable and require particular additional support through the relocation process. Matters under review are:-

- Tracking the progress with regards to the move to suitable alternative permanent homes for all residents ensuring that this is undertaken at a pace to protect health and minimise disruption.
- Monitoring the effects of the disruption as a result of the moves.
- Ensuring the needs of children and families are met, particularly in terms of education.
- Medical matters and the proximity to health care settings.
- Ensure identified needs of each individual are fully considered.
- The maintenance of community connections.
- The provision of agreed information and support.
- Stress related issues.

#### **4.5 Decanting Arrangements**

All 64 households (including the 2 originally vacated households from September 2013) are required to move into alternative accommodation in a reasonable period of time that would be expected for public health purposes, that means additional action has been required to provide suitable housing options. A range of appropriate housing options are made available to tenants. All households have an application for housing which has been assessed to take into consideration any housing, medical and social needs otherwise the same size, like-for-like principle will be used.

- 4.5.1** A degree of prioritisation has been undertaken in order to relocate households out of the street that have specific circumstances, which mean that they should be re-housed more quickly than other households. Consequently, additional priority points are applied to these households. All tenants in the development have been awarded 300 additional points which places them at the top of housing lists in Midlothian, ensuring that they are given highest priority.

These additional points apply to all areas of choice in Midlothian and not just tenancies in the Gorebridge area.

- 4.5.2** To help make the move as easy for tenants as possible, the Council has arranged for a removal company to move furniture and belongings and undertake any necessary disconnection and reconnection of appliances. Tenants also have the choice to arrange their own removal and be reimbursed for these costs in the Disturbance Allowance provisions.

- 4.5.3** The Council also arranges for a handyman service to be available, if required, on the day of moving as well as any additional support that elderly and/or vulnerable residents may need before the day of moving, for example assistance with packing. Tenants are advised that they will need to organise other aspects of the move themselves, including redirection of mail, broadband, television services, etc as the suppliers will only deal directly with the customer, not the Council. Tenants will be reimbursed for any associated costs.
- 4.5.4** The Council has commissioned a firm of Surveyors, David Adamson and Partners, through their Term Consultancy Contract to survey all properties to establish that there is a proper record as to the condition of the property. Initial letters to notify all remaining tenants have been issued and the surveys will be completed during October 2014, with a final survey report due in November 2014.
- 4.5.6** The loss of their home and moving from an existing neighbourhood can have an impact on individuals and result in considerable anxiety, concern and emotional distress. These responses are entirely natural and legitimate and must be allowed to be voiced and to influence policies and procedures.
- 4.5.7** There will be a range of reactions to the prospect of moving and some households who may be more reluctant and resistant to relocation. These are likely to include: elderly households, households who have lived in the locality for a long period of time and have social networks in the neighbourhood and households with children, who may be reluctant to disrupt childcare arrangements or their children's schooling or friendship networks.
- 4.5.8** Continuing effective communication and transparency has been vital in providing reassurance and countering perceptions of any unfairness through consistency in the advice, information and recommendations offered to households. Some households are particularly vulnerable and require particular additional support through the relocation process. The support and advice provided to residents during the relocation process is essential to ensuring that the disruption and anxiety caused by losing their home and moving into a new property is minimised and has been provided by staff generally and specifically to individual households and at the site office in:
- the provision of information regarding policies and procedures involved household financial appraisals and advice about financial assistance;
  - advice about housing options including the routes into social and private rented tenancies;
  - advice about grants and benefits entitlement;
  - assistance in completing forms and legal paperwork;
  - advice about legal rights and accessing solicitors;
  - advice about utilities suppliers and energy efficiency;
  - providing information, advice and occasionally practical assistance relating to removals and the moving process.



## 5 Options for development

The last report to Council, of 17 June 2014, recommended 5 options for consideration, 2 of which were approved by Council to:

*“Note the options and the recommendations to progress Options 2 or Option 5, subject to legal opinion and taking full cognisance of the Incident Management Team’s findings.”*

The two options are:

- c) Option 2 – Demolish and rebuild the houses incorporating gas membranes in all 64 properties.
- d) Option 5 – Demolish all 64 properties and market the site as a potential development site.

### 5.1 Option A - Market the Site for Sale (Option 5 June 2014 Council Report)

Since the last meeting, the potential for Housing Association’s interest in developing the site has been explored, once the demolition had been carried out. Three responses have been received from Melville Housing Association, Places for People, and Dunedin Canmore Housing Association. Both Dunedin Canmore Housing Association and Places for People have indicated that they are interested in discussing proposals to develop new housing on the site, subject to the availability of private finance and Scottish Government subsidy.

Whilst the Council might wish to indicate its preference, it would not restrict the sale to Housing Associations. In the event of bids being received for the Site the Council would decide to accept the bid which demonstrated Best Value.

If a Housing Association was successful, the Council would aim to secure 100% tenancy nomination rights.

#### 5.1.2 Design, build, finance, maintain and leaseback

As the Council would rent the properties and ultimately own the houses following a 45 year leaseback period for properties built by a Developer, the tender documents would incorporate specific specification requirements it would therefore be a requirement to follow the procurement procedures.

If the lease/leaseback model were to be pursued, the Council would require to be satisfied that any preferred bid was economically advantageous.

Although there would not be the initial capital cost to the Council of approximately £10 million if the Council were to demolish and rebuild the site, there would be revenue implications due to the costs associated with the lease and management and maintenance of these properties which would exceed the rental income received. Based on 64 units on site, the revenue cost of the lease would operate at a material deficit.

### **5.1.3 National Housing Trust (NHT)**

The National Housing Trust (NHT) for Developers Scheme is aimed at getting stalled housing developments back on track, and bringing these properties into the mid market rental stream. These properties are rented for between 5 to 10 years, with the rental income covering the borrowing costs.

### **5.1.4 National Housing Trust (RSL's)**

A number of Registered Social Landlords (RSL's) are also looking at a variant of this option (the National Housing Trust for Registered Social Landlord's Initiative) to deal with an increasing demand for mid market properties and the option of using this to cross-subsidise their social rented properties.

### **5.1.5 Mid Market Rent (MMR)**

Intermediate renting is a form of affordable housing. It allows tenants to pay rent levels below the normal market rent level in their area, although rents are higher than what a tenant would normally expect to pay in social housing. Starting rent levels are at the discretion of Councils providing that these do not exceed 100% of the relevant Local Housing Allowance rate. Tenants normally get a short assured tenancy, which is the same type of lease as most tenants get when they rent privately in Scotland but, as well as lower rents, Government or Council-supported intermediate rent homes can offer tenants comfort that they will be getting a good quality home with a provider who offers good standards of customer service.

### **5.1.6 Housing for New Supply Shared Equity (NSSE)**

Delivered by registered social landlords through Scottish Government subsidy, properties built for New Supply Shared Equity aim to help people on low to moderate incomes who want to own their own homes but cannot afford to pay the full price for a house. New Supply Shared Equity is part of the Scottish Government's Low-cost Initiative for First Time Buyers (LIFT).

Shared equity generally allows a buyer to pay between 60 to 80 per cent of the price of a home, with the remainder paid for by the Scottish Government. The buyer owns the whole of the property, but the Scottish Government hold a security over the proportion of equity stake it has funded, the value of which will go up or down with the value of the house.

New Supply Shared Equity is targeted mainly to help first time buyers on low to moderate incomes, although some groups of buyers may be given priority if the numbers of buyers exceeds the number of houses. It can, in some cases, also help people who are not first time buyers. For example, they may be able to help people who are looking for a new home after a significant change in their household circumstances. They may also be able to help disabled people to access more suitable housing.

#### **5.1.7 Risks associated with this option are:**

- The potential Council tenants would not wish to pay a higher rent than other Council tenants.
- Targeted mainly for first time buyers and possible dissatisfaction from others on the waiting list.
- The Council would not own all the properties if the tenants exercised their right to buy.
- There is only a 45 year leaseback period where construction and debt costs are recovered compared to the Council's House building Programme of 60 years.
- Building Regulations could change in the period of the leaseback and require the Council to carry out additional modifications to the properties at a cost.
- Will be difficult to assess, on a like for like basis, any tenders.
- Will be dependent upon the current Market situation.

#### **5.2 Option B - Build direct by Council (Option 2)**

The Council could undertake to demolish the properties and rebuild using existing Procurement Frameworks, as the HRA Capital cost can be incorporated into the Phase 2 Social Housing Programme. This proposal is intimated at a cost of £10.1M. This Capital Cost has been reduced from the last Report due to the number of tenants who have been permanently re-housed before work commences on site.

A financial model had been updated and is summarised in Table 1 in Section 5.3. The overall reduction in new build properties the HRA could support is circa 75 units (the exact figure will be determined during the build and planning phase).

The site currently has 10 Extra Care houses.

#### 5.2.1 Risks associated with this option are:

- The risk is the Council having to cover this cost alone and the associated impact on future spending.

Table 1, below, summarises the costs involved in each of the Options described in Sections 5.1 to 5.2 above.

#### 5.3 Table 1 – Cost of Options – figures noted in £000's

	<b>Option A Market – open sale (£000's)</b>	<b>Option B Rebuild Direct (£000's)</b>	<b>Notes</b>
<b>Capital Costs</b>			1, 2
Rebuild	0	9,505	
Buy Alternative Properties	5,000	0	3
Demolition	650	650	
<b>Total Capital Costs</b>	<b>5,650</b>	<b>10,155</b>	
<b>Revenue Costs</b>			
Homeloss	96	96	
CCTV	0	3	
Void Costs associated with Demolished Units	122	122	5
Decant Costs	1,155	1,155	4
<b>Total Revenue Costs</b>	<b>1,373</b>	<b>1,376</b>	

#### Notes: -

- 1 The costs set out are based on a 60 year life cycle.
- 2 The figures do not include any capital receipt, or Legal compensation.
- 3 £9M figure from last report reduced to £5M due to re-housing allocations from existing stock, however this means that only approximately 35 units would be replaced resulting in a reduction of housing stock of approximately 29 units, whereas with option B the Council would maintain its current housing stock levels.
- 4 Decant costs are anticipated to be reduced by £1.155 million due to re-homing tenants prior to demolition.

- 5 The HRA will also incur void costs associated with the unoccupied units until these units are demolished, this is anticipated to be approximately £0.122 million as shown in the table above.
- 6 Discussions are ongoing with the NHS to establish if there is any possibility of NHS funding.
7. The cost of Greenhall to develop and sell the site is not included.

## 6 Potential of the Former Greenhall High School Site

The possibility of utilising the former Greenhall High School site for the Newbyres Crescent/Gore Avenue tenants to remain in the Gorebridge area has been explored. The former Greenhall site (Site 51A+B), is part of the phase 2 Housing development approved by Council in September 2013.

As a number of tenants preference is to move outwith Gorebridge, those households who have already made a permanent move to their preferred choice of alternative housing either within Gorebridge or elsewhere in Midlothian, will not require to be accommodated at a new build development at Greenhall.

The site, however, has been plotted to ensure it can accommodate the same mix of houses as the current Newbyres site, namely;

HOUSE TYPE	NUMBERS
2BED - 3PERSON	20
2BED - 4PERSON	8
3BED - 4PERSON	17
3BED - 5PERSON	4
4BED - 6PERSON	4
Wheelchair accessible	1
Care houses	10
<b>Total</b>	<b>64</b>

- 6.1** The re-plotted Greenhall site shows indicatively the 10 Extra Care houses for information only. This type of housing, due to the facilities and specification requirements for these residents, is however, considered inappropriate in this location.

There continues to be a need to provide additional extra care housing within the Midlothian area and the Newbyres site is seen as a prime location, being adjacent to the Gorebridge Care Home. The intention, therefore, would be to build the 10 Extra Care houses in the most appropriate location to meet the Council requirements at the time.

The design is being developed at present towards a Planning Application being submitted. A construction programme of around 18 months is then thereafter anticipated. It should be noted, however, that there will likely be a phased handover of the new houses within this 18 month period.

## 6.2 Suggested Revised Mix for the Former Greenhall High School Site

The revised mix accords with the Council's current waiting list and includes smaller houses (1 bed Flats), to give a total number of 68 properties. The exact number of properties will be determined during the Planning process, as a number of existing tenants prefer to be re-housed outwith Gorebridge.

HOUSE TYPE	NUMBERS
1Bed – 1 Person	12
2Bed - 3Person Cottage Flats (including wheelchair adaptation)	16
2 Bed – 4 Person House	12
3 Bed – 4 Person House	13
3 Bed – 4 Person Wheelchair House	1
3 Bed – 5 Person House	8
4 Bed – 6 Person House	4
4 Bed – 5 Person Adapted wheelchair House	1
5 Bed – 8 Person House	1
<b>Total</b>	<b>68</b>

### Note:

- 1 The figures are based on the existing mix and will be subject to market testing at the time of building.

## 7 Resource implications

### 7.1 Cost of Options

Table 1, in Section 5.3 summarises the costs involved in each of the Options described in Sections 5.1 to 5.2 above.

Financial modelling indicates that the Housing Revenue Account (HRA) can sustain the Capital and Revenue Costs associated with either of the above options as reported to Council in the HRA Budget Review Report on 23 September 2014.

### 7.2 Staff Resource

- 7.2.1** Staff resources continue to be assigned to the Project including a Project Manager, Team Leaders, Housing Officers, Legal, Land Surveyor, Technical and Costing advice. Directors, Heads of Service and Managerial input has been and will continue to be provided as required from exisiting service budget resources to manage the situation.

In addition the Newbyres Crescent group, chaired by the Director, resources and involving senior staff including the Chief executive, continue to meet to monitor the situation and the work of all other groups.

The full estimates are included within the Project Definition Document (Version 5) in Appendix 3.

### **7.3 Risk**

A revised Risk Register is included in Appendix 4.

### **7.4 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

### **7.5 Impact on Performance and Outcomes**

Reference is made to previous Council report, dated 17 June 2014.

There remains significant time and cost resources being expended which will impact on service delivery. There will also likely be a reduction in the number of houses able to be built by the Council in the next phase of the Council House Building programme. This has yet to be evaluated, subject to the option appraisal outcome detailed.

### **7.6 Adopting a Preventative Approach**

The range of mitigation actions detailed to date have been carried out to safeguard public health and safety. The recommended actions in this report are required to eradicate the gas issue problems by breaking the source, pathway, receptor model.

### **7.7 Involving Communities and Other Stakeholders**

The Council has been communicating regularly with all stakeholders and specifically tenants and will continue to do so. A site office has been established to provide a convenient enquiry point while the Council continues to provide regular briefings to elected members, MSPs and other groups as part of an agreed communications plan.

Community engagement to ascertain and address key issues continues to be a core part of this work, which will be addressed through the work of the Care for People Group supported by members of the Joint Health Improvement Partnership as outlined previously.

There continues to be considerable media interest in the situation at Newbyres Crescent/Gore Avenue.

## **7.8 Ensuring Equalities**

A full Equalities Impact Assessment report has been carried out to ensure that the needs of those affected will be protected.

## **7.9 Supporting Sustainable Development**

The outcome to this local situation may influence local policy, and potentially national guidance, particularly with regards to the future development of brown field sites in ensuring that any of Midlothian Council future housing developments are not adversely affected by ground gases.

Midlothian Council have since altered their process in terms of assessing Planning and Building Warrant applications from the private sector to reinforce the potential for eliminating gas emissions within all developments.

In addition, all new build carried out by the Council will have gas membranes installed, even if the Site Investigation Report deems this unnecessary.

## **8 IT Issues**

There are no IT issues arising from this report

## **9 Recommendations**

Council is recommended to:-

- Note the actions established by the Council in connection with the protection of public health and to note the IMT findings in Section 4.1.
- Note the costs outlined with each option as detailed in section 7.1.
- Note the full EqIA is available in the Member's library.
- Authorise the Director, Resources to continue to progress actions and approve resource requirements to maintain the public safety arrangements.
- Note the commencement of design for the former Greenhall High School site.
- Progress with Option B.
- Progress financial Insurance settlement.
- Note the commencement of surveys.
- Note that the site has not been determined as meeting the statutory definition of contaminated land.
- Note the Fairhurst report, dated September 2014 is available in the Member's library.

**28 October 2014**

### **Report Contact:**

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**Background Papers:** Cabinet Report, dated 22 April, Item No 17  
Special Council Report, dated 20 May, Item No 4  
Council Report, dated 17 June, Items 3A and 4  
Special Council Report, dated 17 June.

Appendix 1: Scottish Government letter dated 25 June 2014

Appendix 2: Former Greenhall High School site, sketch layout

Appendix 3: Current PDD (Version 5)

Appendix 4: Risk Register

### **Declaration Box**

**Instructions:** *This box must be completed by the author of the report. The box will be copied and saved by the Council Secretariat who will delete it from the report prior to photocopying the agenda.*

**Title of Report:** Newbyres Crescent, Gorebridge  
Options to Resolve Gas Migration

**Meeting Presented to:** Midlothian Council

**Author of Report:** Neil Davidson

*I confirm that I have undertaken the following actions before submitting this report to the Council Secretariat (Check boxes to confirm):-*

- ☐ *All resource implications have been addressed. Any financial and HR implications have been approved by the Head of Finance and Integrated Service Support.*
- ☐ *All risk implications have been addressed.*
- ☐ *All other report implications have been addressed.*
- ☐ *My Director has endorsed the report for submission to the Council Secretariat.*

*For Cabinet reports, please advise the Council Secretariat if the report has an education interest. This will allow the report to be located on the Cabinet agenda among the items in which the Religious Representatives are entitled to participate.*

*Likewise, please advise the Council Secretariat if any report for Midlothian Council has an education interest. The Religious Representatives are currently entitled to attend meetings of the Council in a non-voting observer capacity, but with the right to speak (but not vote) on any education matter under consideration, subject always to observing the authority of the Chair.*

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In 2014 Scotland Welcomes the World



Ar faidhle/Our ref: 2014/0019444

25 June 2014

*Dear Owen,*

Thank you for your letter of 2 June 2014 to the Cabinet Secretary for Health & Wellbeing Alex Neil MSP. I am replying as I have portfolio responsibility for this issue.

I note that the decision has now been made to demolish the homes affected in Gorebridge. While it is welcome news from a public health perspective I appreciate this is also a distressing and worrying time for the residents and their families, and everything must be done to support them meantime.

I want to put on record my appreciation for all that Midlothian Council has done to resolve this issue, as illustrated by the joined up approach among a number of key parties which has demonstrated your ongoing co-operation in dealing with this difficult situation.

I understand that the Minister for Local Government and Planning, Derek Mackay, spoke to you by telephone on Thursday 12<sup>th</sup> June and a further discussion will take place to discuss what support can be provided by the Scottish Government. This is welcomed and I have asked that I be kept fully informed of any ongoing discussions.

In addition, I understand that officials in the Scottish Government's Housing Supply officials will continue to meet regularly with Midlothian Council regarding the provision of affordable housing and will work with you and your colleagues to consider new build opportunities across Midlothian, through the Government's Affordable Housing Supply Programme. This will help increase the supply of affordable housing in the area and may also help as part of a solution to the complex situation at Newbyres Crescent, Gorebridge.

I thank you for you and your staff's continued commitment in resolving this issue.

Michael Matheson

Taigh Naomh Anndrais, Rathad Regent, Dùn Eideann EH1 3DG  
St Andrew's House, Regent Road, Edinburgh EH1 3DG  
www.scotland.gov.uk





**NEWBYRES CRESCENT, GOREBRIDGE****Included**

- **Project Definition Document**
- **Programme (Procurement)**
- **Project Risk Matrix**

Yes/ <del>No</del>
<del>Yes</del> /No
Yes/ <del>No</del>

## Newbyres Crescent, Gorebridge - Project Definition Document

(i) Project Name	Newbyres Crescent, Gorebridge				
(ii) PDD version	5	(iii) PDD date	August 2014	(iv) PDD status	Live

### 1. OVERVIEW

1.1 Background	The project is to demolish 64 houses in Newbyres Crescent, Gorebridge, together with the wider project planning of decanting, re-housing, communications and security of the area.
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1.2 Scope	<ul style="list-style-type: none"> <li>- Project Programme Management</li> <li>- Consultant, Demolition, Procurement.</li> <li>- Decanting and re-housing.</li> </ul>
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1.3 Project Objectives	
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Objective No	Objective description	Target date
OBI 1	Demolish 64 houses in Newbyres Crescent, Gorebridge	Easter 2015
OBI 2	Collaborative working with stakeholders (NHS, Care for People Group, Tenants)	Easter 2015
OBI 3	Demonstrate best value in procurement process	Easter 2015
OBI 4	Collaborative working with housing, planning and building standards to improve stakeholder relationships / management.	Easter 2015

1.4 Project Start Date	June 2014
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1.5 Project End Date	June 2015
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### 2. GOVERNANCE

2.1 Project Sponsor	Chief Executive – Kenneth Lawrie
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2.2 SRO	Garry Sheret
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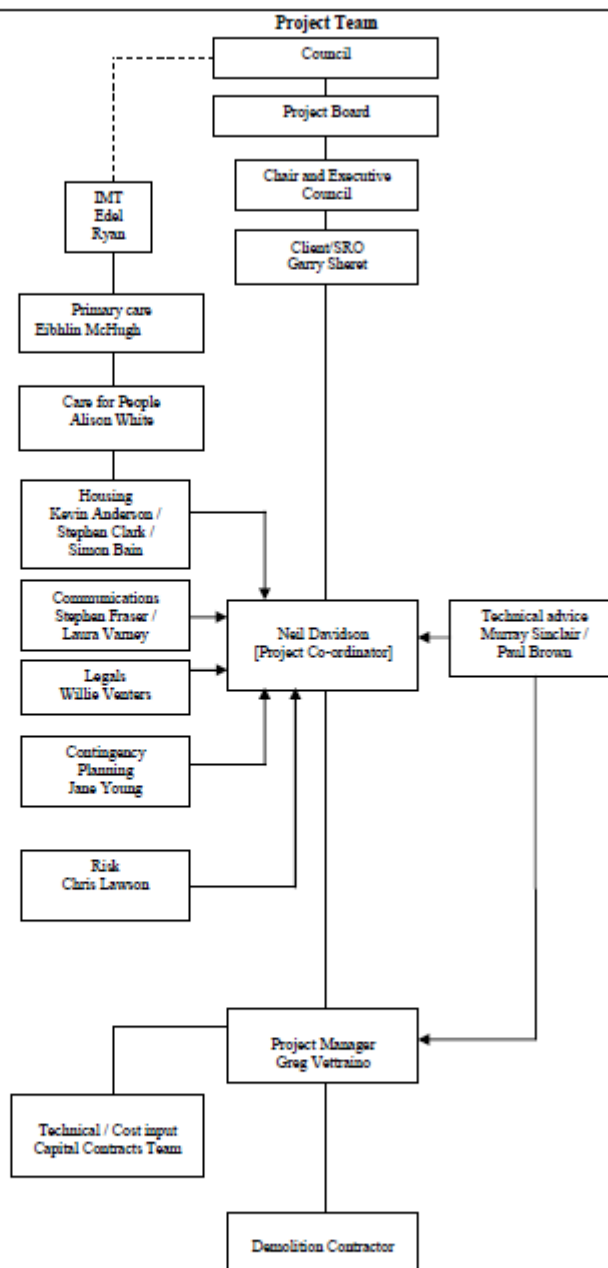
2.3 Project Co-ordinator	Neil Davidson
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2.4 Project Board	Kenneth Lawrie – Chief Executive, Chair Eibhlín McHugh – Director, Health and Social Care John Blair – Director, Resources Kevin Anderson – Head of Housing and Community Safety Garry Sheret – Head of Property and Facilities Management Ian Johnson – Head of Communities and Economy Alison White – Head of Adults and Community Care. Andrew Kram – Project Engineer, Fairhurst
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2.5 Other Governance	NHS; Care for People; Executive Council; Legal; Environmental Health;
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## Newbyres Crescent, Gorebridge - Project Definition Document

### 2.6 Project Team



<b>3. DELIVERABLES</b>					
No	Title of stage, workstream or sub-project	Project elements covered	Manager(s)	<u>Start Date</u>	End Date
1	Project Programme	Development of project plan and monitoring progress	Neil Davidson		
2	Planning Permission	Planning Permission	Neil Davidson		
3		Tender evaluation	Evaluation based on the demolition Framework	Greg Vetraino	
4		Tender acceptance	Acceptance based on the demolition Framework	Greg Vetraino	
5	Project Budget	Owner of Budget	SRO	Garry Sheret/Kevin Anderson	
6	CDM-c / Engineer Appointment	Consultants appointments	Greg Vetraino		
7	Warrant	CONTRACT	Greg Vetraino		
8	Contract Administration	Day to day financial management	Greg Vetraino		
9	Acceptance of Contractor	Contractual arrangements	Greg Vetraino		
10	Decanting	Tenant liaison	Kevin Anderson		
11	Demolition Phasing	Contractual arrangements / Tenant liaison	Kevin Anderson / Greg Vetraino		
12	Demolition Tenant liaison	Communications	Simon Bain		
13	Dilapidation surveys	Surveys	Neil Davidson		
14	Roads surveys	Surveys	Neil Davidson		
15	Roads stopping up order	Surveys	Greg Vetraino		
16	CCTV survey of drains	Surveys	Greg Vetraino		
17	Valuation Surveys	Surveys	Neil Davidson		
18	Tenant's Welfare	Safety of tenants	Kevin Anderson		
19	Relocation	Tenants Welfare	Kevin Anderson		
20	Medical Needs	Safety of tenants	Kevin Anderson		
21	Schooling needs	Tenants Welfare	Alison White		
22	DMT Report	Tenants Welfare	Edel Ryan		
23	DMT Closure	Tenants Welfare	Edel Ryan		
24					
25					



## Newbyres Crescent, Gorebridge - Project Definition Document

### 4. PROJECT TEAM - ROLES AND RESPONSIBILITIES

#### Chair and Executive Council representation - John Blair

- Executive Council representation
- Scottish Government liaison
- Emergency Management strategic lead

#### Senior Responsible Officer – Garry Sheret

- Meet as required with the Project Manager to assess progress
- Report to the Council Project Board as required
- Gain Council's Approval where necessary for any changes
- Responsible officer for the Demolition Contract
- Sign off any changes to the Contract
- Agree Construction Costs
- Agree expenditure outside agreed Budget
- Approve requests for change above £10,000

#### Project Sponsor - Kenneth Lawrie

- Meet as required with the Project Board to assess progress
- Sign off any changes

#### Project Co-ordinator - Neil Davidson

- Co-ordinate all contract activities
- Agree Demolition Contract documentation
- Monitor Progress against programme
- Approve requests for change below £10,000
- Agree Demolition Programme
- Links to outside specialist consultants
- Planning Submission

#### Housing - Kevin Anderson / Simon Bain / Stephen Clark

- Agreement to site proposals
- Links to NHS
- Housing Mix
- Communications with tenants
- Weekly updates to elected members

#### Technical - Murray Sinclair / Paul Brown

- Installation and monitoring of CO2 detectors and alarms.
- Links to outside specialist contractors (Illand)
- Call out cover
- Organising decant storage
- Decommissioning of Houses
- Security arrangements

#### IMT Liaison - Edel Ryan

- Council representative (chief EHO) on the IMT
- Regular attendance at and update to Incident Management Team
- Responsible for ensuring compliance with Public Health (Scotland) Act 2008

#### Care For People link - Alison White / Eithlin McHugh

- Regular updates to Incident Management Team
- Liaising with education on schooling needs

Communications - Stephen Fraser / Laura Varney

- Communications strategy
- Clearance with NHS Press Office / Chair of IMT in all communications regarding health info or mention of NHS/IMT
- Links to all press enquiries
- Deals with EIR/FOI enquiries

Legal issues - William Venters

- All legal issues and link to external legal representation

Contingency Planning - Jane Young

- Links to other organisations
- Guidance on existing contingency planning arrangements, including multi-agency.

Risk Management - Chris Lawson

- Risk Register

Project Manager - Greg Vettraino

- Provide Demolition Contract documentation
- Monitor Progress against programme
- Approve requests for change below £10,000
- Agree Demolition Programme
- Appointment of consultants
- All Contractual issues
- Technical / cost input
- Warrant Submission and agreement
- Demolition project management

Project Board

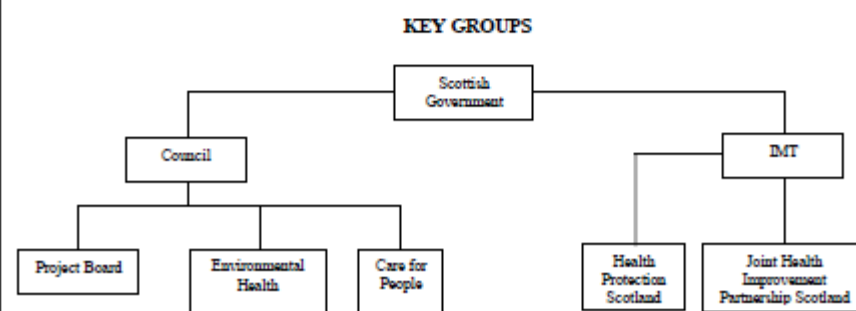
- Approve changes to budget
- Approve changes to programme
- Approve numbers of houses to be delivered and mix of house types.

IMT

- Responsibility for investigating and managing the incident with regards to the protection of Public Health.

Council

- Endorse Project Board and IMT decisions



## Newbyres Crescent, Gorebridge - Project Definition Document

### 5. PROCUREMENT

As per Council's Procurement Strategy.

Demolition Tender reports – Greg Vettraino

Consultant and Contractor Reports - Greg Vettraino

Project Board sign off – SRO

### 6. DEPENDENCIES

#### 6.1 Internal/External Dependencies

Project name	Deliverable / milestone	Dependency date	Deliverable Responsibility
Review of Letting Policy	Letting policy that accords with housing mix. Availability of suitable properties to meet housing mix.		Kevin Anderson
Planning applications	Planning submission		Neil Davidson
Planning approval	Planning approval		Greg Vettraino
Public Health	DMT approval		Edel Ryan
Warrant	Building Warrant		Greg Vettraino
Utilities	Gas, Water, British Telecom, Sewerage		Greg Vettraino
Project Contract Costs	Contract Sign off		Greg Vettraino

## Newbyres Crescent, Gorebridge - Project Definition Document

### 7. OTHER KEY MILESTONES

Milestone no	Deliverable no	Milestone	Milestone date
MIL 1	1	Council Reports	17 June 2014 23 Sept 2014

MIL 2	22	DMT Interim Report	7 July 2014
MIL 3	2	Planning	
MIL 4	7	Building Warrant	
MIL 5	8	Contractors Award	
MIL 6	6	CDM-c appointment	
MIL 7	6	Engineer Appointment (for Warrantable works)	
MIL 8	23	DMT closure of incident	

## 8. RESOURCES

### 8.1 Cost Estimates (£000's)

	2013-2014	2014-2015	2015-2016							
BMS (R)	65	98.2	26							
Ilford (R)	10	76	76							
Project Man. (C)		5	5							
Housing Staff(C)		10	5							
Internal Managmt. (C)	10	130	130							
External Consultants(C)	20	10	10							
Demos (C)		650								
Land Surveyor (C)		3.5	2							
Re-house (C)	0	4766	0							
DMT Monitor (C)	0	56	0							
Total cost	105	5804.7	254							

Note: (C) = Capital  
(R) = Revenue

### 8.2 Funding Authorisation

Name	Midlothian Council HRA Capital Plan
Date	24 June 2014
Action	
Impact	

## Newbyres Crescent, Gorebridge - Project Definition Document

### 8.3 Staffing Requirements (£000's)

Grade	Baseline	Additional	Total
Project Management	8.5	-	8.5
Team Leaders	65	-	65
Call out rota	8.6	-	8.6
Housing Officers	20	-	20
Legal	2.5	-	2.5
Land Surveyor	3.5	-	3.5
Project Board	12	-	12
<b>Total</b>	<b>120.1</b>		<b>120.1</b>

### 8.4 Consultancy

Description of project element	Weeks required	Cost
Shepherd & Wedderburn – legal issues		£20,000
Consultant Engineers - Warrant application		£20,000
Health & Safety CDM-c – pre construction Plan and H&S File		£ 5,500

## 9. DOCUMENTATION

Document	Status/Issue
9.1 Business Case	Council report of 17.6.14 - Resources
9.2 Project Plan	To be completed - Project Co-ordinator
9.3 Communications Plan	To be completed - Project Co-ordinator
9.4 Risks Register	Complete to date - Health & Safety
9.5 Issues Log	Will become live when on site - Project Manager

## Newbyres Project Risk Register

**Date:** 21 October 2014

**Report by:** Risk, Safety & Civil Contingencies Manager

Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
MC40-01	Ill Health to individuals from properties in Newbyres Crescent with a regular CO <sup>2</sup> build up above the 2000ppm level set.	Head of Customer and Housing Services	Tenants in this situation have been re-housed until the matter is full addressed.  Access to these homes has been restricted by boarding up of properties. 10 empty homes to date	5	4	20
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status
MC40-01-01(A)	Incident Management Team (IMT) has been set up under Director of Public Health, NHS Lothian & is investigating the options for the future of the site and the housing development with the assistance of independent expert advisors.	Interim report from the Chair of IMT to be prepared in June 2014. The IMT core group met on 9 July and welcomed the council's decision to demolish the affected properties		Environmental Health Partnership Manager	June 2014	complete
MC40-01-02(A)	Fairhursts have been commissioned to advise the Council on remediation options.	Options Report which will take cognisance of any IMT recommendations will be provided at the Council Meeting on 17 June 2014.		Head of Property and Facilities Management	17.6.14	complete
MC40-01-03(A)	Fairhursts and Lawyers to be commissioned to compile a Report identifying how this situation arose and options to remedy. (Note paper presented to Special Cabinet 20 May 2014 re legal status)	Further Report included in the council of 23 september		Head of Property and Facilities Management	23.9.14	Live
Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
MC40-02	CO <sup>2</sup> build up within Council house at Newbyres Crescent from a historical mine	Head of Customer and	CO <sup>2</sup> monitors with alarm capability installed within all potentially affected properties at	5	2	10

	works source, travelling a pathway and affecting receptors at up to 64 residential properties presenting potential health impact.	Housing Services	<p>Newbyres Cresnt, Gore Avenue, Gore Avenue Extra Care Housing and Newbyres Care Home. Enhancements have been made to level dB level of warning as it was considered too low. Solution linked to Telecare system for those 3 addresses identified with hearing impairments.</p> <p>Written procedure, approved by IMT, for Tenants and Council staff to follow in the event of alarm activation, including info on temporary decanting or longer term evacuation.</p> <p>Recommendation from IMT to set alarm trigger at 2000ppm. (3000ppm lower than the occupational exposure limit for an 8 hour period)</p> <p>Council staff continue to be on 24 hour standby to respond within 1 hour to calls from tenants following all reported alarm activation.</p> <p>CO2 levels in living areas monitored and reported to Environmental Health who reports to the Chair of IMT.</p> <p>Officers attending wear CO2 depletion monitors and are trained to decant all personnel if CO2 alarm sounds.</p> <p>Chair of IMT has been asked for guidance on 'forced' decant if necessary, Environmental Health legislation, Public Health (Scotland) Act 2008 does not provide such powers.</p> <p>A local on-site office has been set up</p>			
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status
MC40 -02-01(A)	Data logging of CO2 and air pressure within affected/potentially affected housing using a set of 10 data loggers	Results being gathered to build a clear evidential based picture of the extent of CO2 build up within the group of houses in Newbyres Crescent. Report contained in the 23 September report to Council.		Maintenance Manager		Complete
MC40 -02-02(A)	Fairhursts have been commissioned to advise the Council on remediation options.	Report Complete		Head of Property and Facilities Management	14.6.14	Complete

Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
MC40 -03	<b>Residents unclear of:</b> <ul style="list-style-type: none"> <li>the action to take in the event of alarm activation or</li> <li>progress with the situation at Newbyres Crescent</li> <li>how to request re-housing on health grounds</li> </ul>	Head of Customer and Housing Services	<p>Written briefing has been provided to Tenants to follow in the event of alarm activation, including info on evacuation.</p> <p>Regular briefings continue to be provided to tenants and weekly to elected Ward Members.</p> <p>Tenants advised how to request re-housing on health grounds in accordance with Housing Allocations Policy.</p>	3	9	9
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status
MC40 -03-01(A)	Tenants regularly briefed regarding on going/developing situations	<p><b>Press releases/web site and social media</b>  28 March  28 March  7 April  17 April  28 April  7 May</p> <p><b>Written communications to tenants</b>  23 January  25 March  28 March  5 May  10<sup>th</sup> June – Door knocking and tenant provided with a copy of council report</p> <p>18<sup>th</sup> June – Door knocking to inform of council decision to demolish and requesting tenants fill in housing application forms</p> <p>25<sup>th</sup> June – Newbyres Crescent/Gore Avenue Site Office opens providing information and advice on housing options to affected households.</p> <p>10<sup>th</sup> July – Door knocking and easy read leaflets handed to tenants during visits by council officers</p> <p>8<sup>th</sup> August – Written update to tenants on office opening times and leaflet with information about CCTV being installed in void property and asking tenants to report suspicious activity in the street</p>		Head of Customer and Housing Services		Live



		<b>Council Officers home visits to all households</b> 2 April 17 April 25 April 10 June 18 June 25 June 10 July 8 August			
MC40 -03-02(A)	Elected members briefed on a regular basis.	Briefing continues to be issued on a weekly basis.	Head of Customer and Housing Services		Live
MC40 -03-03(A)	IMT monitoring situation and providing advice.	IMT meets on a 2-3 week basis.	Head of Customer and Housing Services		Live

Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
MC40 -04	Potential for residents to experience Stress contributed to by events surrounding the CO2 issues and associated moves.	Head of Customer and Housing Services/ Head of Adult and Social Care	<p><b>Controls as stated in MC40 – 01 to MC40 – 03</b></p> <p><b>Care for people group operating to consider</b> the loss of their home and moving from an existing neighbourhood can have a huge impact on individuals and result in considerable anxiety, concern and emotional distress. These responses are entirely natural and legitimate and must be allowed to be voiced and to influence policies and procedures.</p> <p>There will be a range of reactions to the prospect of moving and some households who may be more reluctant and resistant to relocation. These are likely to include:</p> <ul style="list-style-type: none"> <li>elderly households</li> </ul>	3	3	9

			<ul style="list-style-type: none"><li>▪ households who have lived in the locality for a long period of time and have social networks in the neighbourhood;</li><li>▪ households with children (who are reluctant to disrupt childcare arrangements or their children’s schooling or friendship networks)</li></ul> <p>Continuing effective communication and transparency are vital in providing reassurance and countering perceptions of any unfairness through consistency in the advice, information and recommendations offered to households;</p> <ul style="list-style-type: none"><li>▪ residents should be able to rely on the proactive advocacy of representatives working on their behalf;</li><li>▪ residents should be given the time necessary to make informed decisions and to pursue all the support available to them and to have their queries and concerns about the process recognised and responded to;</li><li>▪ residents should have access to an appeals and review systems if they are unhappy with the advice and support they are receiving;</li></ul> <p>Some households are particularly vulnerable and require particular additional support through the relocation process. These include:</p> <ul style="list-style-type: none"><li>▪ individuals with no experience or no recent experience of moving home (for example elderly people or young people leaving home for the first time);</li><li>▪ individuals who are less familiar with housing processes and systems,</li><li>▪ people with health disabilities and support needs.</li></ul>			
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status

MC40 -04-01	Residents kept informed of Council action with regard to street through regular information as stated in MC40 – 03. In particular Site Office open providing information and advice on housing options to affected households.	<p>The support and advice provided to residents during the demolition and relocation process is essential in ensuring that the disruption and anxiety caused by losing their home and moving into a new property is minimised through</p> <ul style="list-style-type: none"><li>the provision of information about policies and procedures involved</li><li>household financial appraisals and advice about financial assistance,</li><li>advice about housing options including the routes into social and private rented tenancies;</li><li>advice about grants and benefits entitlement;</li><li>assistance in completing forms and legal paperwork;</li><li>advice about legal rights and accessing solicitors;</li><li>advice about utilities suppliers and energy efficiency;</li><li>providing information, advice and occasionally practical assistance relating to removals and the moving process</li></ul> <p>Site Office opening hours</p> <table><tr><td>Monday</td><td>10.00am - 1.00pm; 5.30pm 7.30pm</td></tr><tr><td>Tuesday</td><td>1.30pm - 4.30pm</td></tr><tr><td>Wednesday</td><td>1.30pm - 4.30pm;</td></tr><tr><td>Thursday</td><td>1.30pm - 4.30pm</td></tr><tr><td>Friday</td><td>10.00am - 1.00pm</td></tr></table>	Monday	10.00am - 1.00pm; 5.30pm 7.30pm	Tuesday	1.30pm - 4.30pm	Wednesday	1.30pm - 4.30pm;	Thursday	1.30pm - 4.30pm	Friday	10.00am - 1.00pm	Head of Customer and Housing Services	On going	Live
Monday	10.00am - 1.00pm; 5.30pm 7.30pm														
Tuesday	1.30pm - 4.30pm														
Wednesday	1.30pm - 4.30pm;														
Thursday	1.30pm - 4.30pm														
Friday	10.00am - 1.00pm														
MC40 – 04-02	Care for People Group	Care for people group operating to consider the loss of their home and moving from an existing neighbourhood can have a huge impact on individuals and result in considerable anxiety, concern and emotional distress.	Head of Adult and Social Care	On going	Live										

Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
<b>MC 40-05</b>	<b>Exposure to Oxygen depleted Environment when Council staff are responding to Alarm Activation.</b>	<b>Head of Property and Facilities Management</b>	<p><b>Trigger level for alarm activation to alert tenants set to 2000ppm.</b></p> <p><b>Employees entering premises in response to activation advised of significant hazards and control measures provided with protocol to follow as part of safe system of work.</b></p>	<b>5</b>	<b>2</b>	<b>10</b>

			<b>Employees provided with 5 gas monitor and personal monitors to give early warn of depleted oxygen levels.</b>			
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status
<b>MC40-05-01(A)</b>	<b>Fairhursts have been commissioned to advise the Council on remediation options.</b>	<b>Options Report will be provided at the Council Meeting on 10 June 2014.</b>		<b>Head of Property and Facilities Management</b>	<b>14.6.14</b>	<b>complete</b>
<b>MC40-05-02(A)</b>	<b>Fairhursts and Lawyers to be commissioned to compile a Report identifying how this situation arose and options to remedy.</b>	<b>Further Report will be provided.</b>		<b>Head of Property and Facilities Management</b>	<b>23.9.14</b>	<b>Live</b>

Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
<b>MC40-06</b>	<b>Loss of confidence by Council House Tenants regarding quality/safety of Council Housing. Loss of public confidence more widely</b>	<b>Director, Resources</b>	<p><b>The Council are re-housing tenants where a specific risk is identified due to CO2 levels or existing medical conditions in accordance with Housing Allocations Policy.</b></p> <p><b>The Council is giving affected residents and their locally elected representatives regular briefings and updates on developments.</b></p> <p><b>10 council tenants have been re-housed to date</b></p>	<b>5</b>	<b>3</b>	<b>15</b>
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status
<b>MC40-06-01(A)</b>	<b>Longer term communication strategy being progressed to with a view to demonstrating an open and transparent approach to public information associated with this issue aimed at giving confidence in the remedial action taken.</b>	<b>Communications Manager tasked with bringing forward strategy. Communications strategy in place</b>		<b>Communication Manager</b>	<b>tbc</b>	<b>Live</b>

Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
<b>MC40-07</b>	<b>Pressure on existing financial and staffing resource within the Council to respond to this issue.</b>	<b>Director, Resources</b>	<b>The Director, Resources has asked members of the Newbyres Crescent Project Group to highlighted any resourcing issues.</b>	<b>5</b>	<b>4</b>	<b>20</b>
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status
<b>MC40-07-01(A)</b>	<b>Newbyres Crescent Project Group asked to highlight any issues associated with resourcing a response to the issues at Newbyres Crescent.</b>	<b>Group members to advise Director directly in advance of all group meetings</b>		<b>All Project Group Members</b>	<b>tbc</b>	<b>Live</b>

Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
<b>MC40-08</b>	<b>Unauthorised access to boarded up properties with high concentration of CO2 (Potential to be fatal).</b>	<b>Head of Property and Facilities Management</b>	<b>Properties will be boarded up as they are decanted with Warning Notices displayed.</b>	<b>3</b>	<b>5</b>	<b>15</b>
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status
<b>MC40-08-01(A)</b>	<b>Secure Properties</b>	<b>The following measures are carried out;</b> <b>Change locks and keys held with property maintenance</b> <b>Services disconnected</b> <b>Board up windows and doors Provision of warning signs</b> <b>CCTV system installed on estate.</b> <b>Dedicated CO2 trained out of hours standby officers in place</b>		<b>Head of Property and Facilities Management</b>	<b>10.01.2014</b>	<b>Complete</b>

Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
<b>MC40-09</b>	<b>Responding Service personnel at risk of exposure to elevated CO2 in affected properties.</b>	<b>Head of Customer and Housing Services</b>	<b>Emergency Services Alerted</b>	<b>3</b>	<b>5</b>	<b>15</b>
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status
<b>MC40-09-01(A)</b>	<b>Carbon Dioxide Emergency Procedures Produced</b>	See attached <a href="F:\P&amp;FM\Maint &amp; Energy\Maintenance Managers\Murray Sinclair\Housing\Newbyres Crescent\Maintenance\Gas Monitors - Alarms\Newbyres Gas Emergency Procedures Draft Version 28 04 2014.doc">F:\P&amp;FM\Maint &amp; Energy\Maintenance Managers\Murray Sinclair\Housing\Newbyres Crescent\Maintenance\Gas Monitors - Alarms\Newbyres Gas Emergency Procedures Draft Version 28 04 2014.doc</a>		<b>Head of Property and Facilities Management</b>	<b>28.04.2014</b>	<b>Complete</b>

Risk Code	Risk Identification	Ownership Managed by	Risk Control Measures	Likelihood	Impact	Risk Evaluation
<b>MC40-10</b>	<b>Financial impact of 64 homes becoming unusable in the medium to long term on advice from Fairhursts and direction from Incident Management Team.</b>  <b>Anticipated cost of replacing 64 homes and remediating the Newbyres site estimated to range from £5.5m - £10.1m.</b>  <b>The risk is the Council having to cover this cost alone and the associated impact on future spending.</b>	<b>Director Resources</b>	<b>Short term resourcing for Council Response to be funded from the HRA</b>  <b>Medium term cost of replacing homes to be funded from the HRA</b>	<b>5</b>	<b>4</b>	<b>20</b>
Linked Actions Code	Linked Action	Linked Actions Latest Note		Assigned to	Due Date	Status
<b>MC40-10-01(A)</b>	<b>Council developing replacement home options</b>	<b>Options report being prepared for Council to include costing and resourcing.</b>		<b>Head of Property and</b>		<b>On going</b>

			<b>Facilities Management</b>		
<b>MC40-10-02(A)</b>	<b>Cost recovery/mitigation through insurance</b>	<b>Council confirming insurance position with Insurance Broker and domestic property insurer.</b>	<b>Senior Accountant</b>		<b>On going</b>
<b>MC40-10-03(A)</b>	<b>Other cost recovery/mitigation remedies from third parties.</b>	<b>Council seeking legal advice at present</b>	<b>Principal Solicitor</b>		<b>On going</b>

<b>LIKELIHOOD</b>	<b>Consequent Impact</b>				
	<b>1 Insignificant</b>	<b>2 Minor</b>	<b>3 Moderate</b>	<b>4 Major</b>	<b>5 Critical</b>
<b>5 Almost Certain</b>	5	10	15	20	25
<b>4 Likely</b>	4	8	12	16	20
<b>3 Possible</b>	3	6	9	12	15
<b>2 Unlikely</b>	2	4	6	8	10
<b>1 Remote</b>	1	2	3	4	5

**Very Low (1-3), Low (4-9), Medium (10-16), High (20), Critical (25)**