

Annex B

EMAILCHAIN1 'MoU'

1. Emails between cabinet office and justice colleagues

From: [REDACTED – Section 38(1)(b)] @cabinetoffice.gov.uk

Sent: 17 August 2020 16:40

To: olufemi.oguntunde@cabinetoffice.gov.uk [REDACTED] @gov.scot

Subject: MoU

Hi both

Just wanted to ensure you had each other's contact details so you can follow up on the MoU chat.

Happy to join if you need me to, equally happy not to :)

Thanks

[REDACTED]

2. Response to email chain

From: [REDACTED] @gov.scot

Sent: 17 August 2020 17:47

To: [REDACTED] @cabinetoffice.gov.uk olufemi.oguntunde@cabinetoffice.gov.uk

Subject: RE: MoU

That's great [REDACTED] thank you.

Femi – looking forward to speaking with you.

Kind regards

[REDACTED]

EMAILCHAIN2 'SG Finance MOU (offsen)' 13th January 2021 – 12th April 2021

1. Email discussions between UKG Cabinet office and Justice colleagues

From: [REDACTED] @cabinetoffice.gov.uk **Sent:** 13 January 2021 17:51

To: [REDACTED] @gov.scot [REDACTED] @gov.scot

Cc: Olufemi Oguntunde <olufemi.oguntunde@cabinetoffice.gov.uk >; [REDACTED]

@cabinetoffice.gov.uk [REDACTED] @cabinetoffice.gov.uk

Subject: COP26/SG Finance MOU (offsen)

Hi [REDACTED], [REDACTED]

Hope you're well.

We are aiming to have finance MOUs agreed with all of our delivery partners in the next month or so, to document processes / expectations around finance and reimbursements. I've attached a suggested draft memorandum of understanding for COP26 and Scottish Government (on behalf of SG agencies) for you to review.

The wording and format is based on standard wording for other delivery partner MOUs, so we would be grateful if you could review this draft and send back any suggested amendments/ comments. For example, we welcome your thoughts on the suggested frequency of invoicing and meetings etc.

Please don't hesitate to get in touch with any questions.

Thank you,
[REDACTED]

2. response to email chain

From: [REDACTED] @gov.scot
Sent: 26 February 2021 17:13
To: [REDACTED] @cabinetoffice.gov.uk
Cc: Olufemi Oguntunde <olufemi.oguntunde@cabinetoffice.gov.uk >; uk [REDACTED] @cabinetoffice.gov.uk [REDACTED] @cabinetoffice.gov.uk Howe G (Gerard) <Gerard.Howe@gov.scot>; [REDACTED] @gov.scot [REDACTED] @gov.scot [REDACTED] @gov.scot
Subject: RE: COP26/SG Finance MOU (offsen)

[REDACTED – Exemption 30(c)]

Hi [REDACTED]

Thank you for sharing the draft MOU and apologies for the delay in responding.

Attached is an updated version with inclusions for consideration and comments requiring further clarification. I've drawn out the following points for ease;

- Paragraph 2 outlines the agencies covered by the MOU but does not include other parties involved in delivering COP (e.g. Glasgow City Council or NHS Health Boards). What is the process for including these bodies and will there be alternative arrangements established to cover them?
- VAT advice has been sought on the role of the Scottish Government and the service being provided by SG and it's agencies in delivering COP. The advice received is that SG (and agencies) not providing a service to Cabinet Office for COP26 but are

instead complying with our requirements to ensure that COP26 goes off safely: the arrangement this MOU covers is for payment to reimburse costs incurred in doing this. I've attached the advice for clarity and would if you / Cabinet Office can confirm agreement with this interpretation.

- Peer review – Colleagues have highlighted the desire from the UKG for peer review from relevant organisations to be commissioned to provide assurance for the spending plans of delivery partners. Is this something you would like to reflect in the MOU or would you prefer to manage this through the business cases which pass through the COP26 Unit for approval?
- Insurance and liability arrangements – It would be useful to understand more around the points raised in the MOU.
- Invoicing / budget transfer – previous discussions had suggested a budget transfer via Main or Supplementary Estimates could be used as opposed for invoicing, certainly for the majority of costs. Using the Estimates process is likely to reduce the admin budget and be more efficient. Can this be considered as opposed to invoicing?

In addition, please note advice from our legal team is pending and may lead to further points for clarification in due course.

Please let me know when discussing the MOU would be suitable as we seek to conclude and move forward.

Best and thanks

[REDACTED]

3. Responseto Email Chain

From: [REDACTED] @cabinetoffice.gov.uk

Sent: 12 March 2021 16:27

To: [REDACTED] @gov.scot

Cc: Olufemi Oguntunde <olufemi.oguntunde@cabinetoffice.gov.uk >; [REDACTED]

@cabinetoffice.gov.uk Howe G (Gerard) <Gerard.Howe@gov.scot>; [REDACTED]

@gov.scot; [REDACTED] @gov.scot ; [REDACTED] @gov.scot

Subject: Re: COP26/SG Finance MOU (offsen)

[REDACTED – Exemption 30(c)]

Hi [REDACTED],

Thanks for your time last week. I have amended the MOU in line with our discussion - please see attached, with amendments highlighted. Grateful if you could review.

Thanks,

[REDACTED]

4. response to email chain

From: [REDACTED] @gov.scot

Sent: 29 March 2021 18:06

To: [REDACTED] @cabinetoffice.gov.uk

Cc: Olufemi Oguntunde <olufemi.oguntunde@cabinetoffice.gov.uk >; [REDACTED]

@cabinetoffice.gov.uk Howe G (Gerard) <Gerard.Howe@gov.scot>; [REDACTED]

@gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot

Subject: RE: COP26/SG Finance MOU (offsen)

[REDACTED – Exemption 30(c)]

Hi [REDACTED]

Thank you taking the time to discuss last week and apologies for the delay in responding while we ran the revised text, including proposed amendments, past our legal team.

Please find an updated MOU attached which reflects our discussions last week. The proposed revisions are in line with our previous response and additional points which have been raised around the definition of liabilities in the current draft.

If it's useful to discuss, particularly with the Easter holiday on the horizon, then please let me know.

Best

[REDACTED]

5. Responsetoemailchain

From: [REDACTED] @cabinetoffice.gov.uk

Sent: 09 April 2021 11:24

To: [REDACTED] @gov.scot

Cc: Olufemi Oguntunde <olufemi.oguntunde@cabinetoffice.gov.uk >; uk [REDACTED]

@cabinetoffice.gov.uk Howe G (Gerard) <Gerard.Howe@gov.scot>; [REDACTED]

@gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot

Subject: Re: COP26/SG Finance MOU (offsen)

Hi [REDACTED]

Thanks for sending this across. I've accepted the tracked changes, added in the annex on the SAB as requested, and made a few small changes (in track) - please see attached. Grateful if you could review and let me know if any further amendments are needed.

Regarding the organisations listed in paragraph 2, could I check what you foresee being in scope from the three that you've added (Scottish Courts and Tribunals Service, Scottish Env Protection Agency and National Services Scotland)? I am not currently aware of any

anticipated costs from these organisations, so could you give an indication of the likely level of funding required?

Thanks,

[REDACTED]

6. response to email chain

On Mon, 12 Apr 2021 at 14:53, From: [REDACTED] @gov.scot To: [REDACTED] @cabineoffice.gov.uk

wrote:

Hi [REDACTED]

I'm conscious that [REDACTED] isn't around today so I can give you a bit more information on your second point re the organisations added to para 2 of the MoU. Scottish Courts and Tribunals Service costs formed part of the original cost estimates provided for the wider Criminal Justice System alongside Crown Office. Early estimates put the overall CJS costs at around 11.5 million with approx. £2m being attributed to SCTS however this is currently being reviewed and will be submitted for consideration through the spend approval process.

National Services Scotland additional costs relate to contingency costs that could be involved relating to potential write off of blood stocks arising –this may well be included in NHS GGC's business case rather than NSS providing a standalone bid but will check and confirm.

As Scotland's principal environmental regulator, SEPA will ensure that regulated sites of concern, and illegal sites, are managed effectively to minimise the potential risks they may pose to the event venues and participants. As Scotland's national flood forecasting, flood warning authority and strategic flood risk management authority, SEPA will ensure that timely and accurate forecasts and warnings are made available to inform actions to minimise potential impacts on event venues and associated transport routes. As a Category 1 Responder under the Civil Contingencies Act, SEPA will play an active role in Scotland's resilience partnerships, and respond effectively to any environmental incidents that might pose a risk to the event and its participants. The total cost of SEPA's involvement in COP26 has been estimated at £240,000 and as above a business case will be developed and submitted for approval in line with the MoU.

Hope that's helpful.

[REDACTED]

7. Responsetoemailchain

From: [REDACTED] @cabinetoffice.gov.uk

Sent: 12 April 2021 16:40

To: [REDACTED] @gov.scot

Cc: [REDACTED] @gov.scot ; Olufemi Oguntunde <olufemi.oguntunde@cabinetoffice.gov.uk >; [REDACTED] @cabinetoffice.gov.uk Howe G (Gerard) <Gerard.Howe@gov.scot>; [REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot

Subject: Re: COP26/SG Finance MOU (offsen)

Hi [REDACTED]

Thanks for this, it's very helpful.

Please let me know when you have confirmation from NSS / NHS on whether the NSS contingency is currently factored in, and if it isn't, if they could provide an indicative figure that would be really useful.

Thanks,

[REDACTED]

EMAILCHAIN3 'AdditionstotheMoU' from 7th July–9th August

From: Howe G (Gerard)
Sent: 29 July 2021 18:42
To: Olufemi Oguntunde <olufemi.oguntunde@cabinetoffice.gov.uk >;
Cc: [REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot;
[REDACTED] @gov.scot
Subject: Additions to the MoU

Dear Femi

I hope all's well. With apologies for the delay please find below some detail on the PIRC as promised, plus information on two other organisations that we feel are appropriate to bring into the MoU. We are very happy to discuss next steps.

All best wishes

Gerard

PIRC

The Police Investigations and Review Commissioner has examined the potential financial impact of COP26 on their work and has advised SG that they expect to incur additional expenditure from COP26 arising from additional investigations and complaint handling reviews. Initial estimates suggest additional costs of around £350,000 however a full business case will be developed and submitted through the agreed spend approval process.

It is expected that COP26 will attract a significant amount of protest activity with some groups looking to disrupt and engage in confrontation with the police. The intent of such groups is to deliberately engage in confrontation tactics which lead to arrests. Although it is to be hoped that demonstrations proceed peacefully, violent confrontation with the police may invoke complaints or incidents where Article 2 or 3 of ECHR is engaged (Right to Life, Prohibition on torture, inhumane or degrading treatment, including allegations of assault by police officers)

Where any such incidents occur, legislation, ECHR and decisions of the ECtHR require that the actions of the police are independently investigated. In Scotland, such investigations are undertaken by the PIRC. Investigations by their very nature occur immediately and in the weeks or months following an incident, depending on its complexity. In addition to the investigation of serious incidents involving the police, PIRC undertakes examination of how

the police handle complaints. If a person makes a complaint to the police and the person is dissatisfied at the way the police have dealt with the complaint, the person can request that PIRC examine the manner in which the complaint has been dealt with. Persons wishing PIRC to undertake such a review have 3 months from the date that they received the decision from the police in respect of their complaint, to request a review. Consequently, any reviews undertaken by PIRC in respect of complaints arising from COP26 are likely to impact up to and beyond the end of the financial year (31 March 2022).

SPS

The Scottish Prison Service (SPS) has examined the potential financial impact of COP26, based on the current planning assumptions for criminal justice, and the additional costs forecast to be incurred by SPS in prisons and through the Scottish Court Custody and Prisoner Escort Services (SCCPES) contract. These costs would be incurred due to the additional court activity, and an increase in the population should arrested people be remanded to prison custody. Initial estimates suggest additional costs of around £200,000, but the cost is highly variable depending on the actual court activity during the event and the number of people who enter prison custody.

COP26 is expected to attract significant protest activity, some of which may include criminal behaviour. Police Scotland have a planning assumption of 300 additional arrests per day across a 16 day period. To cater for the additional people in the system, the Scottish Courts and Tribunals Service plan to open the court in Glasgow for 3 weekends, and those in Edinburgh and Aberdeen for 2 weekends. This will bring additional direct costs to SPS, as up to 5 prisons will require additional staffing to receive new admissions across the 3 weekends. In addition, SPS will pay the cost of the escort contract undertaking additional court operations and transport during those weekends through the SCCPES contract. The additional activity will place strain on the SCCPES service, and it is anticipated that SPS will be required to cover some hospital watch activity ordinarily undertaken by the contractor.

A subset of the people who attend court may be remanded to prison custody, and the estimate above is based on SPS incurring marginal costs related to providing services for that person. Should the arrest to remand rate be higher than forecast, SPS would need to activate larger contingency plans and operate additional accommodation, and the costs would significantly increase. To help to deal with the higher population, the cost of some additional transfers between prisons has also been included in this estimate.

SLAB

The Scottish Legal Aid Board ("SLAB") need to ensure there is a sufficient number of duty solicitors available across the country to provide advice and representation at police stations and court. The working assumption is that there could be 300 arrests per day. SLAB need to plan on the basis of the worse-case scenario and ensure that we meet HR obligations around advice in police stations and representation in courts.

Our priority is to have duty solicitors available whenever they are required and in line with the operation of courts. Custody courts will operate, when required, at weekends in Glasgow, Edinburgh and Aberdeen. It is likely that custody courts will also have to operate in the evenings in some locations, particularly Glasgow. While it is not unheard of for custody

courts in busy locations to run over into the evening, scheduled evening courts are a departure from the norm.

SLAB will be required to make payment for additional work undertaken in evening and weekends, for work directly related to the conference. There will also be a stand-by fee to ensure that there is sufficient and direct access to solicitors. Costs therefore address these two issues:

- *Stand by fees to ensure there are sufficient solicitors "on call"*
- *Enhances fees for weekend and evening work for court and police station work.*

It will be possible to make a distinction between "business as usual" costs and those directly related to the conference.

Without an assurance of these costs being met, there is a risk that we will not have sufficient numbers of solicitors available.

Specific costs are being considered and it will be possible to confirm the cost of standby fees and an approximate cost of enhanced fees in the near future.

2. Gerard Howe follow up email

From: Howe G (Gerard) <Gerard.Howe@gov.scot>

Sent: 09 August 2021 18:19

To: Olufemi Oguntunde <olufemi.oguntunde@cabinetoffice.gov.uk >;

Cc: [REDACTED] @gov.scot ; [REDACTED] @gov.scot; [REDACTED] @gov.scot;
[REDACTED] @gov.scot

Subject: RE: Additions to the MoU

Hi Femi

I hope all's well, just checking in to see whether we could discuss this shortly.

all best wishes

Gerard