

**MINUTES OF A MEETING OF THE ECONOMIC DEVELOPMENT,
ENVIRONMENT & HIGHWAYS POLICY AND SCRUTINY COMMITTEE
HELD AT COUNTY HALL, CHELMSFORD ON 21 FEBRUARY 2013**

Present:

Councillor S Walsh (Chairman)	Councillor A Hedley
Councillor B Aspinell	Councillor E Johnson
Councillor R Callender	Councillor D Kendall
Councillor N Edey, Substitute for R Bass	Councillor J Schofield
Councillor I Grundy	Councillor B Wood, Substitute for C Pond

Also in attendance was Councillor Ray Howard, Member of the Safer and Stronger Communities Committee and Councillor John Jowers, Cabinet Member for Communities and Planning.

1. Apologies and Substitution Notices

The Committee Officer reported apologies for absence from Councillors G Mitchinson, C Pond, J Roberts, R Bass, D Robinson, M Skeels, G McEwen and L Mead. Two notices of substitution were also reported, Councillor N Edey substituting for R Bass and Councillor B Wood substituting for C Pond.

2. Minutes

The Minutes of the Committee meeting held on 17 January 2013 were approved as a correct record and signed by the Chairman.

3. Declarations of Interest

With reference to Minute 4 – Scrutiny Review on the Off Site Emergency Planning Requirements around COMAH Sites in Essex, Councillor A Hedley declared a personal interest as Chairman of the Fire Authority and Councillor B Aspinell declared a personal interest as a member of the Fire Authority.

4. Scrutiny Report on the Off Site Emergency Planning Requirements around COMAH Sites in Essex

The Committee considered report EDEH/06/13 seeking formal endorsement of the scrutiny report on the off site emergency planning requirements around COMAH sites in Essex that also took into account the broader issues associated with the implementation of the Civil Contingencies Act 2004 and promotion of community resilience. The scrutiny report ('the report') was the culmination of a review that had been undertaken by the former Safer and Stronger Communities Policy and Scrutiny Committee (SSCC).

The Chairman introduced the report and referred those present to the Executive Summary setting out the background to the report, and the reasons for bringing

the report to this Committee's attention. While acknowledging that the review had taken longer to complete than may have been anticipated, that in itself demonstrated the interest SSCC took in the subject and level of understanding it sought on the subject. It is a substantial report, and Councillor Walsh wished to put on record on behalf of the SSCC, his thanks to the many witnesses and organisations who contributed to this work, and the various officers and councillors who have helped draw this report together.

Councillor Howard, a member of the SSCC, was invited to address the meeting as he had been responsible for drawing attention to the subject following concerns expressed to the Area Forum he had chaired about the regulation of COMAH sites on Canvey Island. He welcomed the publication of the scrutiny report and expressed his gratitude to all those parties who had contributed to the review, and commended the detailed scrutiny report now before the Committee for its approval.

The Chairman then proceeded to summarise the layout of the scrutiny report. The sections on 'Introduction' and 'Approach to Evidence Gathering' set out the background and methodology, which includes site visits, witness sessions, a communications workshop and an off-site emergency planning exercise.

The 'Summary of Evidence' provided an overview of the evidence collated from the scrutiny review including a comprehensive overview of the County's role in the off-site emergency planning of COMAH sites. Under the COMAH Regulations 1999 the County Council's responsibilities are –

- To liaise with the site operators to view their safety report, request them to provide worst case scenario for our planning assumptions and inform the writing of the off-site plan.
- To produce the off site emergency plan in liaison with other stakeholders including emergency services and district council.
- To write the plan, plan and deliver the off site exercise and review every three years.
- To provide a post exercise report.
- To charge the operator for the cost of delivering the plan and the exercise.
- To support if required, the operator in the advice to the public within the Public Information Zone.

The County Council has no other specific responsibilities under the 1999 Regulations. However, the review also took into consideration the Authority's responsibilities as a Category 1 responder under the Civil Contingencies Act 2004.

The section also summarised the key findings including risk and scale aversion. Members were particularly aware that local perception of risk was important to

those concerned, and this was reflected in their recognition of the importance of appropriate communications.

The section on 'Conclusions and Recommendations' identified the reasons for the six recommendations that the SSCC had reached on the basis of the evidence considered:

- Recommendation 1 recognised the innovative and excellent work the Essex Civil Protection and Emergency Management (ECPEM) team does on behalf of Essex residents. Throughout the review the Team had demonstrated its thoroughly professional approach to its responsibilities and the provision of its services.
- Recommendation 2 dealt with the issue of communication with the public and examples of good practice, and wished to encourage all COMAH operators to adopt a similar approach.
- Recommendation 3 acknowledged the work of the Schools Project and how community resilience can be enhanced by engaging young people through emergency planning awareness campaigns.
- Recommendation 4 looked to the County Council itself and how it can best assist emergency planning functions through the dissemination of information through a variety of means, including its website.
- Recommendation 5 was focussed upon how the County Council's own response to emergencies with a number of examples given. It proposed a short review to draw on real recent emergencies in order to test the robustness of the Council's own preparedness to respond to emergencies.
- Recommendation 6 proposed the monitoring of responses to the preceding recommendations to be picked up in June and later in the Autumn of this year.

The Appendices and Annexes to the Report contained more detailed information collected during the review.

Rosanna Briggs, Deputy Head of the ECPEM, which is a partnership between Essex County Council and Essex County Fire and Rescue Service (ECFRS), had been invited to address the Committee to share the on going work that Team has been undertaking since the scrutiny review began.

At the outset of her presentation she stated that her Team had welcomed the interest shown by the SSCC in taking forward the scrutiny review, as well as the continued interest of Canvey Island residents in the review as that interest really helps to support the Team's goal to engage with as many communities as possible.

By way of background she advised that when the review was announced originally there had been three voluntary redundancies of managers within the

service, including the officer who worked on COMAH planning. In addition the County Council had entered into discussions to formalise a Partnership with ECFRS to deliver the emergency management service. The Chief Fire Officer has now taken on the role as Head of Service that has been a progressive move towards delivering many potential benefits for our communities in Essex. Mrs Briggs was requested to take on the additional responsibilities of COMAH and Environment planning and although it was a co-incidence that the scrutiny review was initiated, she felt that it was an opportune time for the ECPEM to review its own procedures and identify any improvements that might be required to enhance the delivery of the service. She took the opportunity to also thank her team publicly for their work.

Mrs Briggs acknowledged that if ECC only worked under the COMAH Regulations some people might assume that there might be little in place to respond to an event, which potentially could happen on a site. However, the COMAH regulations are underpinned with other legislation such as the Civil Contingencies Act 2004 that places six duties on all Category 1 Responders (including all county/district/borough/city and unitary authorities throughout England and Wales) to plan for and support the communities, this includes warning and informing. There is strong evidence that through its professional expertise the ECPEM is delivering a much more holistic service beyond merely satisfying the County Council's statutory responsibilities under the COMAH regulations. Another part of its duties is to produce and publish a Community Risk Register within a multi agency environment, and many local authorities have taken this a step further and produced their own local Register.

In summary the scrutiny review provided the ECPEM with the opportunity to -

- provide evidence to the SSCC,
- facilitate the Committee in arrangements for various site visits,
- extend an invitation to Committee members to attend two COMAH Exercises within the review period, and
- provide, upon the request of the SSCC, additional evidence throughout the review and support through awareness briefings.

Nevertheless it was emphasised that throughout the process the Team had to adhere to national security policy, which has been paramount since 9/11. Senior officers within the County Council and ECPEM have had to be security cleared, which is an invasive process in terms of personal details, which would be subjected to inspection by Essex Police.

In addition to the engagement set out above, the Team has augmented the regulation requirements to engage with the HSE and has taken the opportunity to fully brief that body on the additional activities taken to support the COMAH regulations. In response it was understood that the Health and Safety Executive has recognised that this has produced a proactive approach to COMAH planning within Essex. COMAH planning is about ensuring good working relationships with all stakeholders and this of course includes other organisations such as the

emergency services, Environment Agency, Health and Safety Executive, other local authorities including other County Council departments.

Mrs Briggs concluded by highlighting some of the learning her Team has taken away from this two year scrutiny review:

1. Since the announcement of the review, the ECPEM has now developed a COMAH Strategy document, which clearly identifies a policy and audit process.
2. The ECPEM has established through its new partnership arrangements with ECFRS a closer working relationship to record and maintain within a centralised system a register of all the activities/exercises held on the COMAH site throughout the year – not just every three years as the regulations state.
3. Given that the pressures on the emergency services and others is high and the requirements of Thurrock Council, which has a number of COMAH sites, the ECPEM has taken a proactive approach and will be establishing a COMAH Group between Essex County and Thurrock Councils (including the emergency services) to ensure that both Councils are both fully compliant under the Regulations and at the same time ensuring the best use of resources.
4. As proposed by SSCC Members during the review, the ECPEM is in the process of developing awareness briefings for elected councillors.
5. The ECPEM is actively promoting with the COMAH Site Operators, extended Public Information Zone areas where appropriate, which are over and above the Health and Safety Executive guidance. This will help to ensure that more people are advised on community resilience.
6. The ECPEM is actively working closer with the District Councils on community awareness projects, also recognising that those councils also have similar duties under the Civil Contingencies Act.
7. Due to the constraints of the ECC website, ECPEM felt that they needed to progress more work on warning and informing. Therefore it has established its own website “Prepared in Essex” and an app – which is multi layer platform and has already put information around the COMAH planning on the site.
8. The ECPEM is in the process of building a business case to submit to the County Council for its service to have its own social media account.
9. As part of a seminar organised by the Team following the Committee’s meeting, it was proposed to inform Members and other invited guests about the new Command, Control and Co-ordination procedures

Finally, Mrs Briggs thanked all Members of the SSCC for their considerable interest throughout the review. ECPEM in partnership with the County Council and ECFRS had always sought to raise the standard of community resilience and public confidence. While Essex has been recognised as a lead in this area of work at a national level, she reassured those present that the ECPEM would continue to work hard with all the other Category 1 Responders under the Civil Contingencies Act namely the emergency services and all local authorities to ensure that its services would continue to improve.

Councillor John Jowers, Cabinet Member for Communities and Planning, attended the meeting and indicated to the Committee that he welcomed the scrutiny report commenting that it was a comprehensive and sensible report.

Before seeking the Committee's formal approval to the scrutiny report the Chairman drew Members' attention to an email that had been circulated to the Committee from a witness, Steve Sawkins, setting out his further thoughts on the review subject.

The Committee AGREED the formal publication of the Scrutiny Report on 'Off Site Emergency Planning Requirements Around COMAH Sites In Essex', and the following recommendations contained therein:

General: Recommendation 1

It be recommended that the Essex Civil Protection and Emergency Management Team and the Essex Resilience Forum be formally commended for the ongoing development of emergency planning work in Essex, and the national recognition achieved for those initiatives they have championed including the film 'Civil Contingencies Act. Act One', developing community resilience through the Schools Project, and its input into off site COMAH Emergency Plans including the Shoeburyness Emergency Alert Service.

Public Communications Good Practice: Recommendation 2

It be recommended that the Cabinet Member for Communities and Planning urge all COMAH site operators in Essex to provide consistent high quality public safety information to local communities on their individual sites in accordance with good practice being promoted nationally as part of COMAH regulations and as demonstrated by QinetiQ at its Shoeburyness site.

Schools Project: Recommendation 3

It be recommended to the Cabinet that the County Council continue to promote and support the development of community resilience through the Schools Project based upon the success of engaging school children to raise awareness about the importance of being prepared for emergencies.

Corporate Services: Recommendation 4

That, in view of the importance of community resilience and the County Council's statutory duties, it be recommended to the Cabinet Members for Communities and Planning, and Finance and Transformation Programme, and Economic Growth and Waste and Recycling that a protocol be developed to ensure that the services provided by the corporate Communications and IS Teams to the ECPEM Team are modern up to date, effective, and user friendly in the support and delivery of public information on emergency planning in Essex taking into account the needs of individual residents.

Corporate Emergency Planning: Recommendation 5

It was agreed that as part of its Forward Look the Committee set up a Task and Finish Group to scrutinise the effectiveness of the Council's own corporate preparedness to respond to emergencies.

Monitoring Outcomes of scrutiny review: Recommendation 6

That the Committee seek an initial response from the Cabinet Members to the five recommendations set out above to be reported in June 2013, and the outcomes of this scrutiny review be monitored in the Autumn of 2013.

Following the Committee's consideration of the scrutiny report itself at the formal meeting there was a separate seminar organised by the ECPEM Team to provide Members' with an up to date overview of civil contingency planning in Essex. Several guest speakers, including statutory Category One Responders, had been invited to address the Committee. Also a number of guests who had contributed evidence to the review were invited to the seminar.

In addition there was an emergency planning exhibition in the Council Chamber foyer that incorporated some of the public communication tools and materials used by the ECPEM Team to deliver its services; and a number of the Fire Service's emergency response vehicles and equipment had been brought to County Hall to provide the Committee with evidence of the some of the considerable investment made by the ECFRS to support the planning process.

5. Dates of Future Meetings

The Committee noted that the next activity day was scheduled for Thursday 21 March 2013 at 10am.

There being no urgent business the meeting closed at 10.43am.

Chairman