

		AGENDA ITEM 5
		PSEG/04/13
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	26 September 2013	
MONITORING OF SCRUTINY REPORT ON OFF SITE EMERGENCY PLANNING ARRANGMENTS AROUND COMAH SITES IN ESSEX		
Enquiries to:	Christine Sharland, Scrutiny Officer 01245 430450 Christine.sharland@essex.gov.uk	

Background

An in depth investigation on the Off Site Emergency Planning Requirements around COMAH Sites in Essex was conducted over a two year period, and the scrutiny report was agreed by the former Economic Development, Environment and Highways Policy and Scrutiny Committee (EDEHPSC) in February 2013 (Minute 4).

While a copy of the Scrutiny Report's 'Conclusions and Recommendations' is reproduced at Appendix A to this report, the full Scrutiny Report is available via the following [Link](#). A copy has been sent under separate cover to Committee Members.

Following the Council's May elections and the restructuring of its political management structures, the emergency planning function became part of the Cabinet portfolio for Transformation and Corporate Services and now falls within the remit of the Corporate Scrutiny Committee. However, the Scrutiny Board agreed that given this Committee's familiarity with the original EDEHPSC through its membership that the monitoring of the outcomes of the Scrutiny Report should be undertaken by this Committee rather than the Corporate Scrutiny Committee.

Progress to date

The EDEHPSC forwarded five recommendations in total to the Cabinet.

Councillor Louis, Cabinet Member for Transformation and Corporate Services, has responded to those recommendations, which fall solely within his portfolio namely Emergency Planning. His response is attached at Appendix B to this report.

Recommendation 4 of the Scrutiny Report focuses upon Corporate Services issues and reads:

'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, the Leader, and Finance and Transformation Programme, 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'.

At the time of writing this report the Cabinet's response to this recommendation was outstanding. While the overall tenet of the Scrutiny Report was very positive in terms of the Emergency Planning function itself, this recommendation around communication arose from Members' perception that improvements could be made to the way that the Council's corporate services support that function. Consequently the effectiveness of the County Council in its engagement with the public is a key issue in terms of this monitoring exercise, and is fundamental to the success or otherwise of this scrutiny project. Therefore it is proposed that a small Task and Finish Group be established to receive and cross examine the Cabinet response to this recommendation once it is received, and its findings be reported back to the Committee.

The fifth recommendation set out in the Scrutiny Report is around a further review being undertaken on the effectiveness of the Council's own corporate preparedness to respond if, in fact, emergencies do occur. Given the changes in the Scrutiny Committee structure Members' views on the way that this should be taken forward are invited, namely whether or not they would prefer to propose a joint Task and Finish Group with the Corporate Scrutiny Committee or to refer the recommendation to the Corporate Scrutiny Committee for it to take forward the recommendation without any further input from this Committee (notwithstanding that this Committee will complete the monitoring of the other recommendations of the original scrutiny review) .

Councillor Derrick Louis will be attending this meeting, together with David Johnson, Chief Fire Officer and Chief Executive of Essex County Fire & Rescue Service & Head of Essex Civil Protection and Emergency Management, to address the Committee on their reaction to the Scrutiny Report.

Action required by the Committee:

- 1. To consider Councillor Louis' response to the original Scrutiny Report.**
 - 2. To establish a Task and Finish Group to cross examine the Cabinet response to recommendation 4 as proposed above.**
 - 3. To agree a way forward in relation to recommendation 5 and the establishment of a Task and Finish Group to investigate the effectiveness of the Council's own preparedness to respond to emergencies.**
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Extract from approved Scrutiny Report on the Off Site Emergency Planning Requirements around COMAH Sites in Essex

‘Conclusions and Recommendations

The Committee has decided not to make any specific recommendations on the direct regulation of COMAH Sites. It was agreed from the outset of this scrutiny review that it should have a narrower focus than may have been preferred by those people who have voiced their fears about the control and regulation of COMAH sites in Essex. While Councillors recognised that the presence of such sites close to urban areas had given rise to local criticism, there are studies being undertaken at a national level to review some of the concerns raised about the control and regulation of industrial sites, including land use planning issues. Indeed in July 2012 the European Commission published Directive 2012/18/EU, the Seveso III Directive on the control of major-accident hazards involving dangerous substances, which will introduce a number of further changes.

Nevertheless the evidence collated as part of this review does provide the Committee with an opportunity to promote further good practice in the way that emergency planning is developed in Essex, and through the scrutiny process produce some positive outcomes. Therefore the following recommendations have been formulated for the Council's Executive to consider and report back to the Committee in June 2013.

General: Recommendation 1

During the review the Committee learned through collating first hand evidence of the innovative work undertaken by the Council's Emergency Planning Team, and its high level of commitment to fulfilling its role on behalf of the community.

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

The QinetiQ COMAH Site at Shoeburyness/ Foulness provides an illustration of good practice in the way that it has sought to engage the community as part its public safety information campaign and fulfil its obligations under the top tier COMAH regulations. In recognition of the success of its Emergency Alert Service the site is being used as a case study to promote the use of similar systems to other COMAH operators.

Given the importance of positively engaging the public as part of COMAH off site emergency planning requirements, the Committee considered that steps should be taken to encourage all COMAH Operators across Essex to adhere to national good practice in order to ensure the effective dissemination of public safety information on their individual sites. Proactive steps should be taken to engage public attention so that the information is readily available to the layman both in terms of its accessibility in a variety of media as well as its content.

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

Community resilience is an integral part of emergency planning both at a strategic level in the way that local emergency responders harness local resources and expertise in an emergency eg through the Essex Resilience Forum, and at a local community level whereby individuals are prepared on how to react if an emergency arises. In Essex there are examples of successful innovative projects that have been undertaken to promote the community's understanding of emergency planning through raising various awareness campaigns and high profile activity such as the Schools Project. There is anecdotal evidence to support the argument that engaging school children has an important knock on effect as children share the information they have learned with their families and friends, and so across different generations and the broader community.

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

Over recent years Council Services have been subject, both directly and indirectly, to ongoing structural change within the organisation, combined with increased partnership working and an overall need to respond to changes brought about by advances in technology, the modern environment, and public expectations. The review provided an insight into how one service has addressed both internal and external influences, and demonstrated how it has had a much broader impact beyond its own administrative boundaries to encourage good practice in emergency planning.

The Committee was impressed with the ECPEM Team's ongoing development of its work to promote community resilience and fulfil the County Council's statutory responsibilities in a positive and meaningful way. Nevertheless it would be naive to overlook the fact that the Team's success or otherwise is affected by the quality and responsiveness of shared corporate support and facilities.

In the modern world electronic media plays an increasingly integral role in the way that organisations may behave and communicate with the community at large, especially as it has become a popular means for individuals to acquire information as technology advances is changing very quickly eg handheld devices to access the internet, SMS texting, and real time information both locally, nationally and internationally. People will use various means to look up traffic information before embarking upon a journey, and similarly if there have been reports of flooding or a major incident at an industrial site they will expect to find up to date information and act accordingly.

While the Committee was satisfied about the high standard of emergency planning in Essex, it recognised that the scrutiny review had been prompted by the concerns of some residents who perceived an absence of emergency planning control at COMAH sites, even though it had been demonstrated satisfactorily to the Committee that this was not the case. Given this anomaly it was considered that there is a need to ensure that the Council's own channels of communication and information provided at a corporate level are fit for purpose. Residents should be reassured that there are effective emergency planning measures are in place, and that they have easy and timely access to advice on what individuals should do in an emergency.

With specific reference to Canvey Island, the Committee acknowledged that the close proximity of COMAH sites to residential areas probably does contribute to an increased perception of danger among residents. While there are historical reasons for the location of the COMAH Sites and residential areas that have developed in close proximity to those sites, it was agreed that in an ideal world such sites would be planned distant from houses. However, the Committee focussed its attention on existing circumstances and believed that the best way of countering those fears is by effective public information systems and robust emergency planning.

The Committee was disappointed with the limited information available via the Council's own website, which was exacerbated by the fact that some of the valuable materials produced by the ECPEM team could not apparently be published on the site even though other local authorities had published the same materials. Furthermore attention had been drawn to advances in technology such as real time information and social media systems that could be harnessed to develop even greater community resilience. The Committee believe that steps should be taken to explore such avenues as soon as possible. As a first step, it was considered that full access to the widest range of electronic information should be afforded via the County Council's website www.essex.gov.uk

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

Aside from the corporate support given to the ECPEM Team to undertake its responsibilities, the review has highlighted the importance to Essex residents that the County Council should be able to demonstrate its own ability to respond to an emergency and co-ordinate emergency work with partners.

The ECPEM Team provides a unique set of emergency planning services on behalf of the Council. However, other services across the Council also contribute to the overall provision of emergency support across Essex eg communications, highways infrastructure, and strategic planning. While the Council may have a variety of business continuity and communication plans that are required to be in place by way of good organisational practice, the Committee considered that the robustness of various corporate strategies for planning and managing in an emergency should be scrutinised. Residents need to be reassured that the Council does in fact robust tested procedures in place.

Over the past couple of years there have been incidents where the Council's own response to emergencies could be examined to gauge how effective strategies may have or not have proven successful in practice. For instance recent crises, flooding across Essex, water and fuel shortages, and extreme weather conditions like the heavy snowfall in 2010/ 2011, as well as the effectiveness of the strategies put into place to address any problems that could have arisen from the 2012 Olympic and Paralympic Games.

The Committee therefore proposed that it would be helpful if a short scrutiny review could be conducted on the effectiveness of corporate communications across the Council in business continuity planning, and consequently in the implementation of those plans. Furthermore given the professional expertise that the Council exhibits in the performance of its emergency planning function, how does it monitor its preparedness to respond across the broader services to emergency situations given its ongoing structural changes and move towards a commissioning organisation.

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.

Appendix B

Cabinet Member Response

'Dear Cllr Walsh,

Re: Scrutiny Report on the Off Site Emergency Planning and Requirements around COMAH sites in Essex

As you will be aware I have now taken on the portfolio of the ECPEM Service from Cllr Jowers, and while I was unable to attend the final meeting of the Economic Development, Environment and Highways Policy and Scrutiny Committee on the 21 February 2013, I have read the report with interest, and the 6 Recommendations identified.

First, I should like to congratulate the Committee on a detailed and well researched report. My reading of the report provides me with a reassurance that the ECPEM service for which I have only just taken on has indeed been diligent in their work against the back drop of changes they faced with the redundancies of managers, and the move into the Essex County Fire and Rescue Service.

I should like to make you aware that this Report and the 6 Recommendations has been taken to the first ECPEM Board Meeting which was held on the 17th April 2013 for Members' information and they were delighted with the outcome.

With regard to the requirement to provide you with my feedback on Recommendations 1,2,3 and 4 and consider these in line with Recommendation 6, these are my initial views.

General: Recommendation 1:

I am delighted that the ECPEM service in conjunction with other services and stakeholders were able to demonstrate an effective approach to the delivery of Essex County Council's duties under the COMAH Regulations and additionally to use innovation methods such as the DVD and schools work to underpin this duty. It demonstrates to me a full understanding of their role and I am delighted that the Service was commended for this work. This was taken to the ECPEM Board in April 2013.

I should also add that the schools work under their Community Resilience Programme has indeed gone from strength to strength, and the Service has received numerous enquiries from other local authorities around the country and overseas. In addition to this, five academic institutions have initiated discussions with the Deputy Head of Service to be engaged with research and these are as follows:

- Essex University
- University of East London
- University College London
- University of West England
- Lancaster University

We will be continuing our work on the schools project and engage with other stakeholders to encourage more development work. Although this will take resources and funding, ECPEM are looking at external funding wherever possible to achieve this. Work is also underway with our own ECC Flood Water Management Partnership which will ensure we are developing a consistent approach to public awareness on flood risk management and utilising limited resources effectively.

Public Communications – Good Practice: Recommendation 2

While the COMAH Regulations are clear on the consultation distances for public engagement and awareness, I know that our ECPEM Service have established good working relationships with the Site Operators and to that end, they are able to encourage them to raise a higher level of awareness beyond the consultation distances of the site identified by the HSE. Additionally as a result of the COMAH Review, locally elected members are wherever possible also been invited to attend the Exercises which are being planned. The ECPEM Service are also extending liaison with the neighbouring Unitary Authority of Thurrock to again ensure a consistency of approach. This is of course against the backdrop of ensuring that information is managed in a secure manner.

Schools Project: Recommendation 3

As indicated in my response to Recommendation 1, this work will continue as it is a well-rehearsed and effective method of working with our communities. As I have mentioned, we will be working with our own Flood Water Management Partnership to support them in their delivery of their public awareness engagement programme and work has started on this. I also know that the Cabinet Office Civil Contingencies Secretariat are working with our ECPEM Service to ensure that they continue this work and have a national approach.

Corporate Services; Recommendation 4

Communication is an important channel to work with the public, and ECC should have good and effective systems in place to achieve this. I would expect that ECC should be supporting the ECPEM in the delivery and publicity of their work not only on the schools work but for the wider community under our duties of the Civil Contingencies Act.

The ECPEM Service have started to look at working on the content of a website to ensure that information is available to the public and this is particularly important given the concerns raised by the pressure group “People Against Methane – PAM”, who I understand were delighted with the outcome of the review and the work ECPEM have done on engagement programmes as was the local MP, Rebecca Harris.

Corporate Emergency Planning: Recommendation 5

While you have not sought my views on this recommendation, I should like to add my comments and agree that this is an important area of work and I have already discussed this with the Deputy Chief Fire Officer and the Deputy Head of ECPEM. They have advised me of the work they are currently undertaking with our own ECC corporate leadership team (executive directors) and political leadership team (Cabinet Members) and County Tactical Group, this also includes a planned exercise in November.

Indeed, I have agreed with the Chief Fire Officer that we will put in place a four phased training programme:

- Phase 1: briefing on roles and responsibilities. This will include a briefing on Gold, Silver and Bronze, SCG and the Command structure for ECC (including the duties under the Civil Contingencies Act). We are looking to secure a date in October for this training.
- Phase 2: 11th November exercise and briefing for the political leadership team and corporate leadership team. This will include briefing on awareness of the role of elected members as community leaders and media handling, together with a practical exercise.
- Phase 3: Spring 2014 – Full exercise for the corporate leadership team and political leadership team – scenario and date to be decided
- Phase 4: No notice exercise – As requested by yourself, this will be a communications exercise to test and exercise members only (date to be determined)

However, I do agree that this goes beyond our own ECPEM Services and those who attend the above groups I have mentioned. I would welcome the proposal for the establishment of a review of our own ECC Emergency Planning capabilities. I am sure that the ECPEM Service would be able to assist you in this process.

Monitoring Outcomes of Scrutiny Review: Recommendation 6

I monitor the ECPEM service and this will be conducted on a regular basis, through regular monthly meetings with the Head of the ECPEM Service who is the Chief Fire Officer. In addition the ECPEM Board also provides me with the reassurances of the continued work the service conducts. I will also look to raise this with my Cabinet Members at Cabinet and also with CLT to ensure that this continues to be on the agenda.

I am also aware that the Emergency Planning College is currently looking at good practice around the country on COMAH and our work is included in this survey.

I hope I have addressed all of the issues you raised, and an assurance of my intention to move these recommendations forward.

Yours sincerely,

Cllr Derrick Louis

Cabinet Member for Transformation and Corporate Services'