



Essex County Council

Place Services and Economic Growth Policy and Scrutiny Committee

10:30	Thursday, 18 April 2019	Committee Room 1, County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

Lisa Siggins, Democratic Services Officer

Telephone: 033301 34594

Email: democratic.services@essex.gov.uk

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1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes To approve as a correct record the Minutes of the meeting held on 28 March 2019.	6 - 9
3	Questions from the Public A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting. On arrival, and before the start of the meeting, please register with the Democratic Services Officer.	
4	Future Libraries Strategy – Petitions Update To receive report (PSEG/05/19) from Peter Randall Senior Democratic Services Officer regarding petitions received by Essex County Council that relate to the Future Libraries strategy.	10 - 11

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|----------|--|----------------|
| 5 | IPRC Annual Review
To receive report (PSEG/06/19) from Ben Finlayson, Head of Infrastructure Delivery, together with a presentation from Garry Fisher, Corporate Health and Safety Manager, Leslie Pilkington, Head of Facilities Management Strategy and Paul Crick, Director of Capital Delivery. | 12 - 64 |
| 6 | Ringway Jacobs Task and Finish Group – Draft Report
To receive report (PSEG/07/19) from Peter Randall, Senior Democratic Services Officer which will be presented by Councillor Tony Ball, Chairman of the Ringway Jacobs Task and Finish Group. | 65 - 92 |
| 7 | Air Quality
To receive update from the Chairman on the Air Quality Task and Finish Report, submitted to the Cabinet Member on the 4 March 2019. | |
| 8 | Date of Next Meeting
To note that the next Committee activity day will be on Thursday, 23rd May 2019. | |
| 9 | Urgent Business
To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency. | |

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

10 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

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Agenda item 1

Committee: Place Services and Economic Growth Policy and Scrutiny Committee

Enquiries to: Peter Randall, Senior Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 5)

Councillor I Grundy
Councillor B Aspinell
Councillor T Ball
Councillor T Cutmore
Councillor A Erskine
Councillor S Hillier
Councillor P Honeywood
Councillor D Kendall
Councillor B Massey
Councillor C Pond
Councillor R Pratt
Councillor W Schmitt
Councillor C Weston
Councillor J Young

Chairman

Minutes of the meeting of the Place Services and Economic Growth Policy and Scrutiny Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Thursday, 28 March 2019

Present:

Councillor I Grundy (Chairman)	Councillor J Moran
Councillor B Aspinell	Councillor C Pond
Councillor T Ball	Councillor R Pratt
Councillor A Erskine	Councillor W Schmitt
Councillor S Hillier	Councillor C Weston
Councillor P Honeywood	Councillor J Young
Councillor D Kendall	

1 Membership, Apologies, Substitutions and Declarations of Interest

The report of the Membership, Apologies and Declarations was received, and it was noted that

1. The membership of the Committee was unchanged since the last meeting;
2. Councillor Bob Massey sent his apologies, Councillor John Moran attended as his substitute. Councillor Terry Cutmore also sent his apologies.
3. A Code interest was declared by Councillor C Pond with regards to Agenda Items 4 (Future Libraries Strategy – Petitions Update) and 5 (Essex Libraries Update), in that he is an Honorary Fellow of the Chartered Institute of Library and Information Professionals (CILIP). Councillor Ball reminded the Committee that he was Deputy Cabinet Member to Councillor Ray Gooding.

2 Minutes

It was noted that the agenda should in fact have referred to the minutes of the meeting held on 17th January 2019, which were thereafter agreed as an accurate record and were signed by the Chairman.

3 Questions from the Public

There were no questions from the public.

4 Future Libraries Strategy – Petitions Update

Members received and noted report (**PSEG/03/19**) from Peter Randall Senior Democratic Services Officer regarding petitions received by Essex County Council that relate to the Future Libraries strategy.

Members sought clarification regarding whether petitions are still be accepted now that the consultation had closed. Councillor Barker advised that they were being accepted and acknowledged and further advised that a press release had been made in this regard.

Members raised some further issues and were advised by Councillor Barker that most of these would be addressed during the presentation in the following agenda item.

The Committee were advised that petitions relating to Brightlingsea and Wivenhoe libraries were still open and consequently had not yet been submitted.

5 Essex Libraries Update

The Committee received a PowerPoint presentation and update from Councillor Susan Barker Cabinet Member for Customer and Corporate Alex Garnett Head of Customer Communities Optimisation and Liz Sutton, Senior Communication and Engagement Specialist.

The presentation included the following:

- A recap on why a new strategy is needed and what is being proposed
- The draft strategy journey timeline from 2016
- How people were informed
- The current situation – consultation analysis from 21- February until late April 2019
- Response to the consultation – 21,528 responses received of which 89% were online. As at 31st March there were 241,400 active library users. The responses rate therefore equates to about 9% of users and 1.5% of the Essex population. 97% of respondents to the consultation are library users.
- Details of the responses per district and by age group
- Current outreach by ECC library services
- Next steps – 21 February to late Spring 2019 the consultation will be analysed and will go through a thorough quality assurance, to ensure the content can be effectively used. Programme then focuses on insights, conclusions, actions and mitigations
- Early summer 2019 the final Strategy and key documents will be submitted for Summer Cabinet meeting

Following the presentation, members were invited to ask questions and the key areas raised included:

- Disappointment that the presentation had not been shared in advance with the Committee, which would have enabled them to prepare questions in advance – This was acknowledged by Councillor Barker

- Disappointment that the consultation was not shared with the Committee before it went live as had been stated by the Cabinet Member – Councillor Barker apologised for this but advised that this was unfortunately due to the incredibly short timeline involved
- Clarification regarding amendments to tiering where libraries are asking to be moved from tier 4 to 3 – Councillor Barker advised that any amendment to tiering would only be made if there was an error in the data that had been relied upon. She did however point out that the door is still open in this regard and that officers are continuing to work with relevant parties
- When the results of the consultation will be available to the public- it was confirmed that as stated in the presentation, the results are being analysed with the aim for the final Strategy and key documents to be submitted to Cabinet for approval in the summer
- Marketing of services by third parties in ECC owned premises- an example given was tutors offering private services within libraries for young people who had been expelled or suspended from mainstream schooling. Councillor Barker advised that she would look into this situation with officers and provide an update to the committee.
- What support would be offered to community groups /organisations who take over the running of libraries – Councillor Barker responded that each situation would be different and would depend on the individual circumstances

Councillor Aspinell advised that the Cabinet member had recently met with a library user group in his division and expressed his disappointment and concern that he had not been invited to attend the meeting as the local elected Member. Councillor Barker offered her apologies, outlining what had happened in the run up to that particular meeting.

It was confirmed that the PowerPoint presentation would be circulated to Members following the meeting.

On behalf of the Committee, the Chairman thanked all those involved in the presentation and confirmed that a further update will be provided at the May Committee meeting.

6 Ringway Jacobs Update

The Committee received a verbal update from Councillor Tony Ball in his capacity as Chairman of the Ringway Jacobs Task and Finish Group.

Councillor Ball advised that a variety of topics were examined during the Group's discussions and that over 20 possible recommendations were identified. Two sub groups were formed, and he stated that an excellent contribution had been made by all those involved.

Members were advised that the final meeting of the Task and Finish Group would take place on 1st April and that the draft report will be considered by

this Committee at the meeting on 18th April. Members of the Corporate Scrutiny Committee have been invited to attend this meeting.

7 Air Quality Task and Finish Review – Final Paper

The Committee noted the final report (**PSEG/04/19**) of the Task and Finish Group on Air Quality, submitted to the cabinet member on 4th March 2019.

8 Date of Next Meeting

The Committee noted that the next activity day will be on Thursday, 18 April 2019.

There being no urgent business the meeting closed at 12.40 pm

Chairman

AGENDA ITEM 4		PSEG/05/19
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	18/04/2019	
Report title:	Future Libraries Strategy – Petitions Update	
Enquiries to:	Peter Randall, Senior Democratic Services Officer Peter.randall@essex.gov.uk	

Purpose of report

This report provides an update on petitions received by Essex County Council that relate to the Future Libraries Strategy.

Members are asked to note the table and information below.

Petitions overview

The table below details an overview of current petitions and the areas they concern. Further information, such as petition text etc. is available upon request.

Please direct all enquiries relating to petitions to Jasmine.Carswell@essex.gov.uk

Library	Petitions Received	Total Signatures Gained
Rochford	1	13
Waltham Abbey	1	73
Coggeshall	2	2278
Great Tarpots	2	2538
Hadleigh	3	1730
Hockley	2	8028
Ingatestone	1	310
Manningtree	2	1852
Shenfield	3	8789
South Benfleet	2	1214
West Mersea	1	284
Wivenhoe	2	1226
Buckhurst Hill	2	3043
Chigwell	2	1662

Fryerns		
Great Wakering	3	532
Hatfield Peverel	1	227
Holland	2	755
Hullbridge	2	1141
Kelvedon	2	407
Mark Hall	1	444
Prettygate	1	28
Silver End	1	650
Thaxted	1	898
Tye Green		
Vange		
Writtle	1	695
Brightlingsea	1	400
Joint Library petitions		
Fryerns and Vange - joint	2	1620
Mark Hall and Tye Green	1	79
Potential Cross cutting		
38 Degrees - Save Tendring's Public Libraries	1	877
Non-Area Specific		
SOLE (Save our Essex Libraries)	5	15382
Defend your local library	1	246
Stop the loss of our libraries	1	139
Save our Essex Libraries (Lib Dem)	1	2259
Essex Libraries	1	36
	56	59855

Report title: IPRC Annual Review		PSEG/06/19 AGENDA ITEM 5
Report author: Peter Randall, Senior Democratic Services Officer		
Date: 18/04/19		For: Place Services and Economic Growth Policy and Scrutiny Committee
Enquiries to: Ben Finlayson, Head of Infrastructure Delivery		
County Divisions affected: All Essex		

1. Purpose of Report

- 1.1. On 11 July 2017, following the Grenfell Tower tragedy on 14 June 2017, Council passed the following resolution:
- a. *'This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.'*
 - b. *This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council asks the Leader to arrange for a thorough investigation into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is reviewed as appropriate and action taken.*
 - c. *In addition, the Council calls for the Leader to establish an independently chaired all-party commission involving partner organisations to look into the whole system of fire safety for employees and other users of our buildings.*
 - d. *This would take into account the size, scale, location and use of the particular building and consider the tools and technologies available to protect human life and the building.'*

1.2.

2. Background

- 2.1. In response to the motion, the Leader set up a cross-party Independent Property Review Commission (IPRC) to investigate fire safety in Essex County Council's (ECC) property portfolio.

- 2.2. The IPRC published their final report in February 2018 (the IPRC Report – **Appendix A**). This was noted and endorsed at the May 2018 Full Council meeting.
- 2.3. The independent, cross party panel to was created investigate the fire safety of ECC’s property portfolio. The IPRC scrutinised fire safety measures in ECC buildings, explored written evidence, heard expert testimony, and attend site visits with a view to presenting findings and recommendations in a report to the Leader.
- 2.4. The aim of the IPRC was to conduct a comprehensive review of the ECC estate to:
- i. *Ensure that any external cladding on ECC buildings was reviewed, and necessary action taken to ensure appropriate fire safety standards; and;*
 - ii. *Undertake a whole system review of fire safety for employees and other users of ECC buildings, taking into account the size, scale, location and use of the buildings, and consider the tools and technologies available to protect human life and the buildings themselves.*
- 2.5. After engagement with potential independent Chairpersons, Andy Fry OBE was selected to chair the IPRC.
- 2.6. Members of the IPRC were nominated by political Group leaders – with one Councillor being selected by each of the Liberal Democrat, Labour and Non-aligned Groups, and three from the Conservative Group:

Conservative Group representatives:	Councillor Lesley Wagland Councillor Michael Hardware Councillor Anthony Jackson
Labour Group representative:	Councillor Julie Young
Liberal Democrat Group representative:	Councillor Barry Aspinell
Non-Aligned Group representative:	Councillor Chris Pond

- 2.7. The group followed a number of specific Key Lines of Enquiry, under the following headings:
- i. Management of fire safety issues associated with external cladding on ECC buildings.
 - ii. Fire safety standards in the design and construction of new ECC buildings
 - iii. Fire safety standards in existing ECC buildings

- iv. Fire safety standards in ECC buildings undergoing refurbishment
 - v. What recommendations does the IPRC propose?
- 2.8. 'ECC buildings' were defined as buildings owned or occupied by ECC, and other buildings within which third parties deliver services on behalf of ECC. Individual private dwellings, i.e. those not covered by the Regulatory Reform (Fire Safety) Order 2005, were deemed as out of scope for the IPRC.
- 2.9. ECC buildings were grouped into three categories¹:
- i. **The ECC core estate:** Buildings maintained and/or owned by ECC, where ECC is the employer and 'Responsible Person' under the Regulatory Reform (Fire Safety) Order 2005. There are approximately 300 such buildings.
 - ii. **ECC Maintained schools:** ECC has responsibility as the employer at 167 community schools and 59 voluntary controlled schools. It also has 227 academies, 56 Voluntary Aided Schools and 39 Foundation Schools, where ECC is neither the employer nor the 'Responsible Person' for fire safety.
 - iii. **Buildings not owned or controlled by ECC in which statutory services are provided by third parties under contract to ECC (e.g. social care sites):** Whilst primary legal responsibility for fire safety standards in these premises rests with the third-party providers, it was recognised that ECC has a secondary duty of care towards, and some moral responsibility for, the safety of potentially vulnerable residents who resort to, or reside in these buildings. On that basis, they were included in the scope of the IPRC.

2.10. The following fourteen recommendations were agreed by the IPRC:

Recommendation 1: *ECC should take urgent action to ensure appropriate steps are taken to address fire safety issues in high-rise buildings fitted with potentially hazardous cladding, in residential care homes operated by third parties where ECC places residents.*

Recommendation 2: *ECC should consider the introduction of a sample auditing programme, to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents.*

Recommendation 3: *ECC should issue guidance to all maintained schools, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically*

¹ The figures provided below were accurate at the time of the IPRCs investigation however, may have subsequently changed.

assessed and managed, and share it on a 'for information' basis with other Essex schools.

Recommendation 4: Three months after the guidance referred to in recommendation 3 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.

Recommendation 5: ECC should issue guidance to organisations providing residential care in premises where ECC places residents, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed.

Recommendation 6: Three months after the guidance referred to in recommendation 5 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.

Recommendation 7: ECC should put in place clear arrangements for the provision of ad hoc specialist fire safety advice in connection with relatively complex fire safety issues.

Recommendation 8: ECC should introduce arrangements for Essex County Fire and Rescue Service to be invited to be involved at an early stage in the building design process for all its 'upper-tier' construction projects, i.e. those with a capital value in excess of £2m.

Recommendation 9: ECC should introduce a requirement for property protection and business continuity risk assessments to be undertaken as an element of all future design briefs for new buildings.

Recommendation 10: Three months after publication of this report, ECC should review progress on the steps being taken by MITIE to improve arrangements for ensuring the competence of those involved in undertaking fire risk assessments, as well as reviews of such assessments.

Recommendation 11: ECC should undertake a detailed review of arrangements for quality assuring its programme of fire risk assessments (FRA), and the annual reviews of these assessments.

Recommendation 12: ECC should review its approach to ensure that remedial fire safety works recorded as being necessary in fire risk assessment documentation are addressed within a reasonable period.

Recommendation 13: ECC should complete the work that has been started to mitigate fire safety risks associated with maintenance and construction projects which are commissioned and managed by ECC maintained schools.

Recommendation 14: *Twelve months after publication of this report, ECC should undertake a scrutiny exercise to assess the extent to which the recommendations made have been effectively implemented.*

2.11. This session fulfils recommendation 14 as set out above.

2.12. A comprehensive update on recommendations can be found in **Appendix B**

3. Session aims

Members of the Place Services and Economic Growth Policy and Scrutiny Committee are asked to note and discuss progress against the above recommendations, providing feedback and making recommendations.

Independent Property Review Commission

A report on the IPRC review of fire safety standards in ECC buildings

8 February 2018

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Foreword

The truly awful events that unfolded at Grenfell Tower on 14 June 2017 served as a horrific reminder of the devastation that fire can cause. They also raised a host of fundamentally important questions about the efficacy of a fire safety regime that should protect people in buildings to which they resort.

Whilst nothing can now be done to prevent the immeasurable human toll that the Grenfell fire has taken on the loved ones of the seventy one men, women and children who lost their lives in the disaster, what is without doubt is that its like can never be allowed to happen again.

‘Lessons must be learnt’. This is a phrase we often hear in the immediate aftermath of potentially preventable tragedies. Sadly, however, these important words are not always matched by deeds – a point illustrated when one reviews progress against recommendations made by the Coroner following the Lakanal House fire in 2009, which claimed the lives of six people. The response to Grenfell has to be different. There is no place for platitudes. Not only must lessons be learnt, but those lessons must be translated into decisive action that will fix an increasingly fragmented and dysfunctional fire safety system.

Central government has taken a number of promising steps since last June. Guidance has been issued for buildings considered to present the greatest risk, and a Public Inquiry has been set up under the Chairmanship of Sir Martin Moore-Bick. In addition, government has commissioned Dame Judith Hackitt to oversee a ‘whole system’ Review of the Building Regulations and Fire Safety. No doubt these early steps will be followed by further guidance in due course. Legislative changes to the fire safety regime are also likely as Sir Michael’s Enquiry and Dame Judith’s Review come to fruition at some point in the future.

Clearly, organisations such as Essex County Council (ECC) will need to react to emerging guidance and changes in the law that flow from work being undertaken at national level. However, I don’t believe that such a reactive approach is enough on its own. In my view, public bodies need to lead by example, taking a proactive stance in determining what changes can be made within the existing ‘system’ to improve fire safety standards in the short-term. On that basis, ECC is to be commended for taking the positive step of setting up a cross-party Independent Property Review Commission (IPRC) to examine fire safety standards throughout its property portfolio. In doing so, councillors also decided that the Commission would be independently chaired, and I was very pleased to be appointed into that role.

Whilst I hope my thirty years’ experience in the fire and rescue and local government sectors has added some value to the Commission, the work that has taken place to produce this report has, very much, been a team effort. In this regard, I am hugely grateful to the six councillors who were so generous in lending their time, experience, expertise and energy as members of the Commission. I am similarly indebted to the various officers from ECC who provided us with crucial assistance – both in terms of administrative support, and the provision of information and evidence that was so central in shaping our thinking. I would also like to place on record my sincere thanks to officers from Essex County Fire and Rescue Service, Chelmsford City Council Building Control, and Southwark Council, as well as

representatives from Mitie Property Services for the invaluable input they provided during the evidence gathering and analysis stages of the Commission.

We have now completed our work as an IPRC. During the review, we carefully considered ECC's response to specific issues that emerged in the aftermath of the Grenfell Tower disaster. We also examined the effectiveness of arrangements for ensuring appropriate fire safety standards in the design and construction of new ECC buildings, as well as the management of fire safety in existing ECC buildings and those undergoing refurbishment.

In doing so, we saw clear evidence of well-established fire safety management systems, including some examples of good practice. However, we also identified a number of areas in which there is clearly room for improvement.

Members of the IPRC very much hope that this report clearly articulates what we have found; the evidence in support of our findings; and a set of recommendations that provide 'real world' opportunities to secure genuine improvement.

It has been a privilege to chair the IPRC, and I will watch with interest to see how our work leads to ECC buildings becoming even safer in the future than they are today.

Andy Fry OBE

Chair – ECC Independent Property Review Commission

1. Executive Summary

1.1 Following the Grenfell Tower tragedy on the 14 June 2017, Essex County Council (ECC) Councillors approved a Motion at Full Council to launch an independent, cross-party panel to investigate fire safety in ECC's property portfolio.

1.2 The Independent Property Review Commission (IPRC) met four times between October 2017 and January 2018, under the chairmanship of Andy Fry OBE. This report outlines details of the approach employed by the IPRC in undertaking its review, as well as the Commission's findings and recommendations.

1.3 The aim of the Commission was to conduct a comprehensive review of the ECC estate, investigating building cladding, and scrutinising general fire safety standards by exploring written evidence, hearing expert testimony, and attending site visits.

1.4 The Commission commends the council for aspects of its approach in responding to fire safety issues associated with external cladding on ECC buildings. The council swiftly and effectively responded to requests made by central bodies for information on high risk buildings. As the report evidences, however, issues associated with potentially hazardous external cladding on all multi-storey schools and residential care homes are yet to be resolved. The Council's desktop audit did not provide sufficient information to fully understand the extent to which cladding may be a problem in such buildings. The commission calls on ECC to strengthen its position in this area, by providing guidance to all schools and care providers on dealing with cladding. The IPRC also recommends that ECC put in place effective routes through which to gather expert guidance in relation to such relatively complex fire safety matters, as and when they arise in the future.

1.5 The Commission reviewed how well ECC deals with fire safety standards in the design and construction of its new buildings. The Commission found that ECC has well-established arrangements for the design and construction of new buildings, and commission members concluded that robust arrangements are in place to ensure that basic fire safety requirements of the Building Regulations are being met in their design. There was, however, evidence to suggest that opportunities are being missed in the early design stages to improve proposed fire safety features as well as increase the 'user-friendliness' of buildings, post-occupation. Current building design processes in relation to fire safety are focused almost exclusively on risk to life. Whilst this is clearly of primary concern, the report highlights the importance of considering wider issues associated with business continuity and property protection when designing buildings, so that well-informed decisions can be taken as to whether additional fire safety measures are warranted, such as the installation of sprinkler systems.

1.6 Commission members investigated arrangements for ensuring fire safety standards in existing ECC buildings. In doing so, the IPRC identified weaknesses in arrangements for assuring the competence of third-party fire risk assessors. These appear to be in the process of being addressed. It also exposed a lack of quality assurance in connection with fire risk assessments themselves, as well as evidence

that remedial works identified as being necessary through these assessments were not being resolved in a timely fashion.

1.7 The Commission evaluated building works associated with the refurbishment of existing ECC buildings. For buildings in the ECC core estate, IPRC members were provided with persuasive evidence that effective arrangements are in place to manage fire safety during maintenance and refurbishment works. Such evidence was not, however, available in connection with the ECC Maintained Schools estate. The Commission recommends that ECC strengthens its role in providing guidance and leadership to schools undergoing self-managed maintenance and refurbishment projects.

1.8 Recommendations

1: ECC should take urgent action to ensure appropriate steps are taken to address fire safety issues in high-rise buildings fitted with potentially hazardous cladding, in residential care homes operated by third parties where ECC places residents.

2: ECC should consider the introduction of a sample auditing programme, to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents.

3: ECC should issue guidance to all Maintained schools, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed, and share it on a 'for information' basis with other Essex schools.

4: Three months after the guidance referred to in recommendation 3 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.

5: ECC should issue guidance to organisations providing residential care in premises where ECC places residents, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed.

6: Three months after the guidance referred to in recommendation 5 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.

7: ECC should put in place clear arrangements for the provision of ad hoc specialist fire safety advice in connection with relatively complex fire safety issues.

8: ECC should introduce arrangements for Essex County Fire and Rescue Service to be invited to be involved at an early stage in the building design process for all its 'upper-tier' construction projects, i.e. those with a capital value in excess of £2m.

9: ECC should introduce a requirement for property protection and business continuity risk assessments to be undertaken as an element of all future design briefs for new buildings.

10: Three months after publication of this report, ECC should review progress on the steps being taken by Mitie to improve arrangements for ensuring the competence of

those involved in undertaking fire risk assessments, as well as reviews of such assessments.

11: ECC should undertake a detailed review of arrangements for quality assuring its programme of fire risk assessments, and the annual reviews of these assessments.

12: ECC should review its approach to ensure that remedial fire safety works recorded as being necessary in fire risk assessment documentation are addressed within a reasonable period

13: ECC should complete the work that has been started to mitigate fire safety risks associated with maintenance and construction projects which are commissioned and managed by ECC Maintained schools.

14: Twelve months after publication of this report, ECC should undertake a scrutiny exercise to assess the extent to which the recommendations made have been effectively implemented.

2. Introduction

2.1 Following the Grenfell Tower tragedy, members at ECC approved the following Full Council Motion during its July 2017 meeting:

‘This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore, this Council asks the Leader to arrange for a thorough investigation into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is reviewed to ensure that it complies with appropriate national standards and, if not, action is taken to resolve this.

In addition, the Council calls for the Leader to establish an independently chaired all-party commission involving partner organisations to look into the whole system of fire safety for employees and other users of our buildings. This would take into account the size, scale, location and use of the particular building and consider the tools and technologies available to protect human life & the building.

2.2 As a result, Councillor David Finch, the Leader of ECC, committed to formally launch an independent, cross party panel to investigate the fire safety of ECC’s property portfolio. The ‘Independent Property Review Commission’ (IPRC) would scrutinise fire safety measures in ECC buildings, explore written evidence, hear expert testimony, and attend site visits with a view to presenting findings and recommendations in a report to the Leader.

The aim of the IPRC was to conduct a comprehensive review of the ECC estate to:

1. Ensure that any external cladding on ECC buildings was reviewed, and necessary action taken to ensure appropriate fire safety standards; and
2. Undertake a whole system review of fire safety for employees and other users of ECC buildings, taking into account the size, scale, location and use of the buildings, and consider the tools and technologies available to protect human life and the buildings themselves.

2.3 After engagement with potential independent Chairpersons, Andy Fry OBE was selected to chair the IPRC.

2.4 Members of the IPRC were nominated by political Group leaders – with one councillor being selected from the Liberal Democrat, Labour & Non-aligned Groups, and three from the Conservative Group:

Conservative Group representative	Councillor Lesley Wagland
Conservative Group representative	Councillor Michael Hardware
Conservative Group representative	Councillor Anthony Jackson
Labour Group representative	Councillor Julie Young
Liberal Democrat Group representative	Councillor Barry Aspinell
Non-Aligned Group representative	Councillor Chris Pond

2.5 Nominated councillors brought a wealth of expertise to the IPRC in a broad range of areas relating to fire safety, construction, property law, and facilities management.

2.6 A Terms of Reference document (**Appendix A**) was drafted by the Chair, and agreed at the first meeting in October 2017. These Terms of Reference subsequently guided the review and outlined a number of specific Key Lines of Enquiry, under the following headings:

- *Management of fire safety issues associated with external cladding on ECC buildings.*
- *Fire safety standards in the design and construction of new ECC buildings*
- *Fire safety standards in existing ECC buildings*
- *Fire safety standards in ECC buildings undergoing refurbishment*
- *What recommendations does the IPRC propose?*

2.7 The scope of the IPRC was also agreed at the first meeting as part of the Terms of Reference document. In this regard, 'ECC buildings' were defined as: All those owned and/or occupied by ECC, and other buildings within which third parties deliver services on behalf of ECC. Individual private dwellings, i.e. those not covered by the Regulatory Reform (Fire Safety) Order 2005, were deemed as out of scope for the IPRC.

2.8 When considered during the course of the IPRC, ECC buildings were grouped into three categories:

1. **The ECC core estate:** Buildings maintained and/or owned by ECC, where ECC is the employer and 'Responsible Person' (Under the Regulatory Reform (Fire Safety) Order 2005).
2. **ECC Maintained schools:** ECC has responsibility as the employer at 167 community schools and 59 voluntary controlled schools. It also has responsibility for building capital maintenance at a further 39 Foundation schools (265 in total). There are 227 academies and 56 Voluntary Aided Schools (283 in total), where ECC is not the employer, nor the 'Responsible Person' for fire safety.

3. **Buildings in which statutory services are being provided by third parties, under contract to ECC (e.g. social care sites):** Whilst primary legal responsibility for fire safety standards in these premises rests with the third-party providers, it was recognised that ECC has a secondary duty of care towards, and moral responsibility for, the safety of potentially vulnerable residents who resort to, or reside in these buildings. On that basis, they were included in the scope of the IPRC.

2.9 ECC owns several hundred buildings which are used predominantly for the delivery of services to the public, (libraries, visitor centres, adult colleges, some residential care premises etc.), or in support of ECC operations (highway depots, offices and storage facilities etc.). The exact number of buildings is very sensitive to definition. Whilst a simple count of buildings with an ECC building reference number is 1309, this includes small, often unoccupied buildings such as garages and stores. A more meaningful count of buildings in which people are likely to be working or residing yields a figure of around 300. 927 of the 1309 buildings are in the freehold ownership of ECC.

2.10 The ECC portfolio is a mixture of buildings, ranging from Victorian construction to modern buildings completed after 2000. Construction types vary from traditional brick construction with tiled roofs, to timber frame. There are only three high-rise buildings in the portfolio (i.e. those over 18-metres in height), Seax House in Chelmsford, Goodman House in Harlow, and Magnet House in Clacton. ECC also has a stock of Heritage sites and Historic buildings for which it has responsibility for maintenance.

2.11 The IPRC met formally four times between October 2017 and January 2018. Two evidence-gathering trips were also arranged: firstly to the London Borough of Southwark to meet with council officials and local Fire and Rescue officials, and secondly to Parkside Court, a high-rise residential tower block in Chelmsford. Parkside Court had fire sprinklers retro-fitted in the aftermath of the Lakanal House fire, which occurred in Southwark in 2009.

2.12 During the formal meetings, members of the IPRC were joined by a number of ECC officers, as well as representatives from Chelmsford City Council Building Control, Mitie Property Services, and Essex County Fire & Rescue Service.

3. Management of fire safety issues associated with external cladding on ECC buildings

Background

3.1 In the immediate aftermath of the Grenfell Tower tragedy, the building's external cladding was identified as a potentially major contributor to the rapid spread of fire that took place. The cladding in question is generically referred to as Aluminium Composite Material (ACM), which is a flat panel that consists of two thin aluminium sheets bonded to a non-aluminium insulating core. Samples of the ACM cladding fitted to Grenfell Tower were subsequently tested and the core found to be highly combustible. This finding raised serious safety concerns about other buildings fitted with ACM cladding, as well as those incorporating alternative cladding systems with insulating materials that could be similarly combustible.

3.2 In response to these concerns, the Department for Communities and Local Government (DCLG) initiated urgent safety checks on high-rise residential buildings, i.e. buildings of over 18metres in which sleeping accommodation is provided. The checks were intended to identify buildings that were potentially fitted with hazardous cladding. Where such cladding was suspected, interim safety measures were introduced while samples of the cladding were sent to the Building Research Establishment for testing, to determine whether or not they complied with the Building Regulations.

3.3 Beyond the initial DCLG response, the Education and Skills Funding Agency (ESFA) wrote to all local authority Directors of Children's Services, Chief Executives of academy trusts, and those responsible for the governance of other types of schools, asking them to complete a fire safety questionnaire. The questionnaire sought information on school buildings that may be fitted with hazardous cladding.

3.4 In addition to the above actions, in the care industry, the Chief Executive of the Care Quality Commission, Sir David Behan, wrote to all care providers, reminding them of the greater duty of care owed to those with various impairments, as well as the need for providers to carry out, and periodically review, fire risk assessments to ensure their continued validity.

The Essex County Council Response

3.5 The initial ECC response to the Grenfell Tower tragedy can be summarised as follows - both in terms of how it reacted to the central requests for information outlined above, and some additional steps which were decided upon locally.

i. The ECC Core Estate

3.6 ECC responded swiftly to the information request from DCLG about high-rise buildings within its core estate (i.e. those over 18m). Only three buildings were identified as fitting this criterion, Seax House in Chelmsford, Goodman House in Harlow, and Magnet House in Clacton. It was quickly established that none of these buildings were fitted with potentially hazardous cladding.

3.7 Beyond the DCLG-driven early focus on high-rise residential buildings (as a result of their being regarded as constituting the highest risk) ECC officers determined that it would be prudent to identify any buildings in ECC core estate that may have been fitted with hazardous cladding. A desk-top audit of the estate was undertaken and, during the course of the Commission, ECC officers were able to provide IPRC members with a high-level of assurance that no hazardous cladding was fitted to any buildings in the core estate. It was not, however, possible for absolute assurance to be provided due to the desk-top nature of the audit. IPRC members were advised that such unequivocal assurances would only be possible if visual inspections were carried out during site visits to all ECC buildings.

ii. The ECC Maintained Schools Estate

3.8 Again, ECC responded swiftly to requests for information from the Education and Skills Funding Agency (ESFA) about schools over four storeys high, or those in which residential accommodation was provided. As with the ECC Core Estate, the response was informed by a desk-top audit undertaken by officers, which confirmed that there were no Maintained schools over four storeys. It also established that ECC was responsible for one school that provided sleeping accommodation, but that the school was not fitted with cladding.

3.9 Beyond informing a response to the specific request made by the EFSA about residential schools or those over four storeys, the scope of the desk-top audit attempted to identify any schools which may be fitted with potentially hazardous cladding. From a total of 265 Maintained schools, the exercise identified 18 sites with “potential or confirmed” hazardous cladding – 14 single-storey; 3 two-storey; and 1 three-storey.

3.10 Having completed this audit and considered its findings, officers adopted the following position, in terms of next steps:

“None of the buildings are of sufficient height to warrant official testing. Instances of [potentially hazardous] cladding have been identified but they are on low level buildings. In the absence of any national or regional guidance, it is anticipated that the IPRC will provide direction to the team on what action it should take, regarding the instances of [cladding] discovered.”

3.11 Once again, officers acknowledged that, due to the desktop nature of the review process, they could not say, with absolute confidence, that all instances of potentially hazardous cladding had been identified in all school buildings under 18m. Officers highlighted the significant resource implications of achieving a definitive position through visual inspections during individual site visits. In the absence of any current instruction or guidance to do so, officers confirmed that no plans were in place to carry any such site visits at that time.

3.12 In addition to taking the actions outlined above, in July 2017, ECC wrote to all head teachers of Maintained schools, requesting that they ensure their fire risk assessments were up-to-date, and reminding them of the importance of regular fire drills. The letter also confirmed the latest position in connection with potentially hazardous cladding. A copy of this letter was also sent to the head teachers of all other, non-Maintained schools in Essex.

iii. Buildings in which statutory services are being provided for ECC by third-parties

3.13 The focus of the IPRC's work in connection with buildings in this category was on residential care premises.

3.14 Whilst the primary legal responsibility for fire safety standards in residential care premises run by third party providers rests with the providers, it was recognised that ECC has a secondary duty of care towards, and moral responsibility for, the safety of potentially vulnerable residents of such buildings. In line with this recognition, ECC decided it would seek assurance that issues associated with potentially hazardous cladding fitted to residential care premises managed by third-parties were being appropriately addressed.

3.15 In an attempt to build an accurate picture of the position regarding such cladding across care premises in high-rise buildings, a telephone survey of all ECC care providers was undertaken in July 2017. The survey only focused on high-rise buildings, as these were considered to present the greatest risk. The following script was used for the survey:

1. *Does your organisation occupy any buildings which are more than 18 metres high?*
2. *If so, how many of these are where residents are in occupation (residential care homes, supported living etc, not purely office buildings)?*
3. *Of those, how many have been clad in Aluminium Composite Material (ACM) panels?*

If you do not know the type of cladding, please assume it might be an ACM until you can confirm otherwise.

If you have identified any premises which meet these criteria, please provide ECC with:

- a. *A photograph of the outside of the part of the building where the cladding is fitted (one will be sufficient provided it shows the elevation which is representative of the design, shows more than one floor and is of good quality);*
- b. *A copy of your current risk assessment for the building.*

3.16 The results from the exercise, in terms of responses to the first three questions, are summarised below:

Type of Provider	Number contacted	Homes over 18m	Premises with cladding
Older Peoples Residential and Nursing	274	7	0
Adults with Disabilities Residential	89	7	4
Supported Living	65	5	3
Extra Care	9	0	0
Mental Health	129	5	0

3.17 Of the 7 buildings identified as having cladding fitted, the following commentary on the cladding in question was provided by those responsible for the buildings:

Adults with Disabilities Residential (4)

- 1 – “some cladding but not thought to be ACM, being checked”;
- 1 – “some cladding to a balcony which is being checked for flammability”;
- 1 – “some cladding on 2nd floor but it is attached directly to wall.”
- 1 – “two storey building with some wooden cladding that has been passed as ok by fire service”.

Supported Living (3)

- 1 – “not of Grenfell type”;
- 1 – “of Grenfell type, being reviewed”
- 1 – no info

3.18 Unfortunately, by the time of the IPRC meeting in November, no further information had been received in connection with any of these seven premises, despite a request being made during the telephone survey discussions in July for photographs of the outside of the buildings to be provided, as well as copies of relevant fire risk assessments.

3.19 Seven fire risk assessments were received, however, for other buildings that were included in the survey. It is unclear why these assessments were provided, as the buildings to which they related did not meet the criteria set, i.e. being over 18metres and potentially fitted with hazardous cladding. Nevertheless, ECC’s Corporate Health and Safety Manager reviewed each of the assessments. In doing so, four were found to be deficient.

iv. Statement issued by the Leader of Essex County Council

3.20 On the 27th June 2017, the following statement was issued by Councillor David Finch, Leader of ECC, outlining the steps that had been taken by ECC in the aftermath of the Grenfell Tower fire to address issues associated with potentially hazardous cladding:

In the wake of the tragic Grenfell Tower fire, the Department for Communities and Local Government ordered all local authorities to carry out urgent safety checks on buildings over 18 metres tall.

Although these checks were only required for high-rise residential buildings, we chose to assess all circa 250 buildings in the Council’s property portfolio.

SEAX House in Victoria Road South, Chelmsford, is the Council’s only high-rise building over 18 metres tall and the cladding is different to the type involved in the Grenfell Tower fire. Indeed, the panels are not the aluminium composite sandwich kind at all, but concrete fibre mineral based which are far more fire resistant.

Although the Council has no high-rise domestic buildings, the Grenfell Tower tragedy serves as a sobering reminder of the risks to vulnerable people who

rely on others for their care. Therefore, we have written to all care home providers in the county to remind them of the importance of fire risk assessments and urged them to make evacuation procedures and maintenance records of safety equipment, such as fire alarms, available for inspection by either ECC or enforcing authorities at any time.

We also chose to assess all schools. A small number of school buildings in Essex have external cladding, but they are either new or have been refurbished recently. This means they have fire alarm systems designed for life safety, including automatic detection in most cases. By contrast, residential tower blocks usually only have fire alarms inside flats – not in communal areas. Schools also practice fire drills regularly and can evacuate in minutes, whereas in a domestic high-rise building the advice to residents is to ‘stay put’ unless their own flat is on fire or filling with smoke.

Therefore if a fire were to break out in any part of a school’s premises, it would be entirely clear of people before the fire and smoke spreads enough to prevent escape – even if the cladding was on fire.

The Council is committed to ensuring residents’ safety and will continue to promote fire safety countywide. Meanwhile, ECFRS are visiting all high-rise flats in Essex to carry out a full fire safety audit. Their community teams and fire-fighters are also visiting every high-rise building and speaking to the residents to reassure them and give home safety advice.”

IPRC Findings and Recommendations

3.21 In the IPRC’s view, ECC responded swiftly and effectively to requests for information that were made by the DCLG, and the ESFA in the immediate aftermath of the Grenfell Tower fire.

3.22 Beyond undertaking work necessary to service such requests for specific information, ECC officers broadened their focus to encompass all buildings in the ECC Core Estate, and every Maintained school, regardless of their height. This proactive approach is to be commended, as it enabled them to quickly confirm a relatively clear position in terms of ECC buildings that may be fitted with hazardous cladding – although a definitive position was not achieved due to the ‘desk-top’ nature of the reviews undertaken.

3.23 In relation to residential care homes being operated by third party providers, the IPRC considers that ECC took a responsible step in attempting to achieve assurance that fire safety issues associated with potentially hazardous cladding on high-rise buildings were being appropriately addressed. However, no such assurance has yet been secured due to necessary information not being forthcoming from third-party providers. IPRC members therefore consider urgent action to be necessary in achieving a definitive position for the four high-rise buildings in which residential care is being provided, and which may be fitted with hazardous cladding.

<p><i>Recommendation 1: ECC should take urgent action to ensure appropriate steps are taken to address fire safety issues in high-rise buildings fitted with potentially hazardous cladding, in residential care homes operated by third parties where ECC places residents.</i></p>

3.24 Furthermore, of the seven risk assessments submitted by residential care providers, over half were found to be deficient. Although this sample only represents a very small percentage of residential care premises in Essex, the IPRC believes it raises an important question about the suitability and sufficiency of risk assessments in such buildings generally. Whilst ECC has no enforcement role in this respect (Essex Fire Authority is the enforcing authority), or primary legal responsibility, it does have a secondary duty of care towards, as well as a moral responsibility for, ensuring the safety of those in residential care.

Recommendation 2: ECC should consider the introduction of a sample auditing programme, to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents.

3.25 It is understandable that the primary focus of ECC's initial response to the Grenfell Tower fire was on externally-clad residential care homes that exceeded 18 metres - following the lead of DCLG in connection with high-rise residential premises. It is similarly understandable that the focus for schools was on buildings of over four storeys, bearing in mind these were the buildings identified as those presenting greatest risk by the ESFA.

3.26 However, it is the view of the IPRC that external cladding systems incorporating combustible insulation material may present a material risk in any multi-storey school or residential care premises where a form of 'stay-put' policy - rather than a full-and-immediate evacuation approach - is employed.

3.27 In low-rise school buildings, a form of stay-put policy may be in place for some pupils and/or staff as an element of their Personal Emergency Evacuation Plans, through the use of temporary refuges in staircases. Such refuges are intended to provide a place of relative safety prior to assisted evacuation taking place, after a delay while other building occupants evacuate. It is possible that this approach to evacuation could be compromised by rapid external fire spread via combustible cladding in any building of two-or-more storeys.

3.28 Multi-storey residential care premises may also incorporate refuges of this sort. In addition, many premises in which vulnerable people are cared for are designed to facilitate an alternative variant of stay-put, known as Progressive Horizontal Evacuation. This approach is based on a philosophy of not needing to evacuate vulnerable people from a building because they are able to move, or be assisted to move, horizontally from an area affected by fire, to an area of relative safety on the far side of a fire-resisting partition. If there is a material risk of the fire breaching the first fire-resisting partition before being controlled, building occupants can move horizontally to a position beyond the next fire-resisting partition and so on. Again, such an approach could be compromised by rapid external fire spread via combustible cladding in any building of two or more storeys.

3.29 In view of the reasonably foreseeable risk outlined above, the IPRC believes steps should be taken to ensure that the potential implications of combustible cladding in all multi-storey Maintained Schools and residential care premises are systematically assessed and managed. In order to achieve this, we recommend a proportional approach; ECC should:

- provide guidance to those responsible for management of all multi-storey Maintained Schools and all residential care premises in which ECC places residents.
- share the guidance with other schools on a 'for information' basis, as a means of extending its reach.
- undertake a sample audit three months later to assess the extent to which the guidance has been followed.

3.30 In terms of the content of the guidance, we recommend that it incorporates the following five steps:

1. *Using guidance that is now available, a visual inspection of buildings should take place to assess whether they may be fitted with hazardous cladding.*
2. *Where it is identified through the inspection that such cladding may be fitted to a building, the building's Fire Risk Assessment should be reviewed by a competent person to determine whether combustible external cladding would create material life safety implications, by, for example, compromising people's means of escape.*
3. *Where material life-safety implications are identified through the Fire Risk Assessment review, interim measures should be put in place to reduce risk, while samples of the cladding are sent for fire testing.*
4. *If the test result confirms that the cladding is of the hazardous variety, then steps should be taken to resolve the problem on a substantive basis, by, for example, stripping and replacing the cladding, or installing additional fire safety measures such as sprinklers.*
5. *If the test result confirms that the cladding is not of a hazardous variety, then the interim Fire Risk Assessment can be revised and additional, interim control measures removed.*

Recommendation 3: ECC should issue guidance to all Maintained schools, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed, and share it on a 'for information' basis with other Essex schools.

Recommendation 4: Three months after the guidance referred to in recommendation 3 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.

Recommendation 5: ECC should issue guidance to organisations providing residential care in premises where ECC places residents, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed.

Recommendation 6: Three months after the guidance referred to in recommendation 5 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.

3.31 In exploring the initial approach taken by ECC to address issues associated with potentially hazardous cladding, the IPRC has concluded that no advice was sought from fire safety specialists. The approach in question was informed by input from members of the ECC Health and Safety Team who have some expertise in fire safety matters, but are not specialists. The IPRC is of the view that, had such specialist advice been sought and secured, a more comprehensive and effective initial response may have taken place. Without that advice, ECC did not consider the risk of combustible cladding on low-rise buildings incorporating disabled refuges, or those where Progressive Horizontal Evacuation arrangements are in place.

3.32 On the basis of this finding, IPRC members believe that ECC needs to introduce arrangements for ensuring that there is a clear route for accessing specialist fire safety advice, in connection with relatively complex fire safety matters that exceed the expertise of the existing corporate health and safety team.

Recommendation 7: ECC should put in place clear arrangements for the provision of ad hoc specialist fire safety advice in connection with relatively complex fire safety issues.

4. Fire Safety Standards in the design and construction of new ECC buildings

Background

4.1 All new buildings are required to be designed and constructed in accordance with the Building Regulations. Part B of the Building Regulations focuses on fire safety and sets out a number of high-level functional requirements under the following headings:

- B1 – Means of warning and escape
- B2 – Internal fire spread (linings)
- B3 – Internal fire spread (structure)
- B4 – External fire spread
- B5 – Access and facilities for the fire service

4.2 The Building Regulations are supported by various Approved Documents which contain detailed practical guidance on how to comply with the functional requirements. As a result, there are various routes for achieving compliance with the Regulations.

4.3 It is also worthy of note that the Building Regulations are focused on life safety rather than property protection, and “...do not *require* anything to be done, except for the purposes of securing reasonable standards of health and safety for persons in or about buildings.”

4.4 Responsibility for ensuring compliance with the Building Regulations falls to building control bodies from local authorities or private sector Approved Inspectors. The person carrying out the building work is able to choose which of these options they take. Notwithstanding there being two options in relation to compliance, only local authorities are able to take formal enforcement action in relation to non-compliance.

4.5 There is a statutory duty for building control bodies to consult the fire and rescue service on the fire safety aspects of new building designs. However, the consultation in question is only required to take place once the building control body believes the design to be Building Regulations-compliant.

IPRC Findings and Recommendations

4.6 In undertaking this aspect of its work, the IPRC received written and verbal evidence from ECC officers. It also heard from a local authority building control officer, and fire safety engineer from Essex Fire and Rescue Service at its second meeting.

4.7 ECC has well-established protocols for the design and construction of its new buildings, and IPRC members concluded that robust arrangements are in place for ensuring that the basic fire safety requirements of the Building Regulations are being met in the design of new buildings.

4.8 IPRC members also found that effective arrangements are in place for ensuring that completed buildings actually incorporate all the fire safety measures that featured in their original design. ECC only engage local authority building control officers as building control bodies to oversee construction projects (as opposed to Approved Inspectors), and have a 'lead authority' arrangement in place with Chelmsford City Council, to ensure consistency of approach in the way compliance issues are addressed. The building control officer who attended the IPRC meeting provided details of the during-construction, on-site inspection procedures that are employed to ensure compliance. In addition, IPRC members received details of work undertaken by an internal ECC team of Building and Mechanical and Electrical Quality Inspectors. These inspectors augment the work of building control officers by undertaking regular site inspections to check construction against design. IPRC members considered this arrangement to constitute good practice for which the Infrastructure Delivery Team should be commended.

4.9 Unsurprisingly, IPRC members were told of a significant focus on reducing the cost of construction projects, within an increasingly constrained financial environment. They did, however, conclude that opportunities for ensuring an optimum balance between affordability in meeting the minimum requirements of the Building Regulations; maximising the fitness-for-purpose of buildings, post occupation; and incorporating additional fire safety measures for property protection and business continuity were potentially being missed.

4.10 This conclusion was shaped, in part, by the views of representation from ECFRS. The opinion was strongly proffered that opportunities to improve the functionality of buildings, increase fire safety therein, and/or reduce costs were being missed on occasions because the fire service is not being consulted early enough in the design process. There is no statutory requirement for the Service to be consulted until the building control body believes a building design to be Building Regulations Compliant.

4.11 It was asserted that, by this statutory consultation stage, so much time, effort and money has been invested in the design of buildings, that the fire service has very little chance of persuading those involved to 'go back to the drawing board'. Whereas, had they been involved at a much earlier stage in the design process, their expertise could have been engaged at no cost, potentially leading to an improved design.

4.12 When asked by IPRC members how such early consultation could be achieved, the attending officer suggested introducing a protocol that would see ECFRS fire safety officers invited to contribute in the early stages of design for new ECC buildings. A discussion then took place about ECFRS's capacity to service such an arrangement. Whilst it was acknowledged that ECFRS could not commit to resourcing such an arrangement for all new ECC buildings, the attending officer was confident that the organisation could meet demand for the number of 'upper-tier' construction projects that take place, i.e. those costing in excess of £2m. IPRC members are supportive of ECC introducing such an arrangement.

Recommendation 8: ECC should introduce arrangements for Essex County Fire and Rescue Service to be invited to be involved at an early stage in the building design process for all its 'upper-tier' construction projects, i.e. those with a capital value in excess of £2m.

4.13 The IPRC's conclusion that opportunities to optimise the design of new buildings were being missed was also influenced by the approach being taken to determine whether active fire suppression systems (predominantly sprinklers) should be installed in new buildings for property protection and business continuity purposes.

4.14 The current ECC new build programme is almost exclusively focused on schools. The IPRC has been advised that the extant ECC policy in this regard is for all new schools to be designed in accordance with *British Standard 9999: Fire safety in the design, management and use of buildings – Code of Practice*. There is a clear expectation within BS9999 that property protection and business continuity issues should be taken into consideration when designing a building in accordance with the standard:

Property protection and business continuity

The recommendations and guidance in this British Standard are primarily concerned with the protection of life. The provision of fire safety systems for life safety does not necessarily give adequate protection to property (including personal possessions) or to business continuity.

The potential for property and business loss should therefore be assessed so that such risks are understood and addressed. Such an assessment should be carried out in accordance with Annex .

NOTE Recommendations for the provision of fire precautions for the protection of property and the continuity of the business can also be found in Annex .

4.15 The standard then goes on to confirm that the outputs from property protection and business continuity risk assessments might include cases being made for the installation of sprinklers. In doing so, it makes the point that costs associated with installation of such active fire suppression systems can be offset by their negating the needs for other structural ('passive') fire safety features.

4.16 Despite the above expectation, and the potential for it to enable an informed decision as to whether active fire suppression systems such as sprinklers should be installed, ECC officers have confirmed that no property protection and business continuity risk assessments have been completed during the process of designing any schools in accordance with BS9999. On that basis, there appears to be no evidence that the many factors affecting the level of property protection and business continuity risk for new schools are being systematically considered on a case-by-case basis.

4.17 Whilst appropriate levels of business interruption insurance appear to be in place, this measure only addresses some of the financial impact of serious school

fires. It does not deal, in any meaningful way, with the potential social, educational or practical consequences of such fires.

4.18 IPRC members believe that this is an unacceptable situation which should be rectified.

Recommendation 9: ECC should introduce a requirement for property protection and business continuity risk assessments to be undertaken as an element of all future design briefs for new buildings.

4.19 During the course of gathering evidence in relation to the design and construction of new buildings, IPRC members heard concerns being consistently expressed about the lack of formal mechanisms for assuring the competence of contractors responsible for installing fire safety features in new buildings. In particular, it was felt that there is a need to raise the levels of competence and establish formal arrangements for accreditation of those engaged in the construction of new buildings.

4.20 Concerns were also expressed about the potential for the practice of private sector Approved Inspectors to be adversely influenced by a possible conflict of interest between the requirement to ensure compliance with the building regulations, and the need for them to maintain a positive commercial relationship with companies who are, essentially, paying Approved Inspectors to regulate their construction projects. It was also noted that Approved Inspectors are not subject to the provisions of the Freedom of Information Act, leaving a potential gap in their accountability when compared with local authority building control departments.

4.21 Whilst IPRC members accepted that it was not within their purview to directly address either of these important issues, they did welcome the fact that both feature prominently in the Review of Building Regulations and Fire Safety currently being undertaken by Dame Judith Hackitt in the aftermath of the Grenfell Tower fire.

5. Fire Safety Standards in existing ECC buildings

Background

5.1 Fire safety standards in most buildings, including all those within the definition of 'ECC Buildings' for the purposes of the IPRC, are controlled under the Regulatory Reform (Fire Safety) Order 2005 ('RRO').

5.2 The RRO replaced previous legislative fire safety requirements with a 'self-compliant' regime. This is based on the principle that those responsible for the day-to-day management of buildings should also be responsible for ensuring that necessary fire safety arrangements are in place. The 'Responsible Person' (usually the employer of those working in the building) is required to ensure that a 'suitable and sufficient' fire risk assessment is undertaken. They must then similarly ensure that the findings from the assessment are implemented in order to manage fire risk down to a reasonable level. Whilst the legal duties falling to a 'Responsible Person' cannot be assigned to a third-party, the legislation does allow for 'competent persons' to be engaged as advisors to support the discharge of their statutory responsibilities.

5.3 Fire and rescue authorities are responsible for enforcing the RRO, and do so by undertaking risk-based inspection programmes. These involve carrying out audits of fire safety arrangements in premises that fire officers consider to present the greatest risk.

IPRC Findings and Recommendations

5.4 In examining fire safety standards in existing ECC buildings, the IPRC received written and verbal evidence from ECC officers. It also heard from Mite Property Services, and a fire safety engineer from ECFRS. In addition, IPRC members visited Southwark Council to explore with officers how lessons learnt from the 2009 Lakanal House fire, in which six people lost their lives, had been used to improve fire safety standards in buildings for which the council is responsible.

5.5 IPRC members were concerned by a lack of regulation associated with the competence and accreditation of contractors who carry out work that has the potential to compromise fire safety standards in existing buildings. Colleagues from Southwark shared details of the tragic consequences of changes that had been made to the internal layout of Lakanal House without any regard for their impact on smoke travel and means of escape. Both IPRC members and officers from Southwark agreed that regulation would be required to address this critical problem, and welcomed the fact that it was identified as a key issue in the recently-published interim report of the Review of Building Regulations and Fire Safety being undertaken by Dame Judith Hackitt.

5.6 Having reviewed the written submission provided by ECC officers, much of the IPRC's focus in this area was on the competence of those carrying out fire risk assessments in ECC buildings; the quality of the assessments being produced; and

arrangements for ensuring that a systematic approach was being taken to the planning and completion of remedial fire safety works identified as being necessary through the fire risk assessment programme. In combination, these factors were considered crucial by IPRC members – not least because of the potential for standards to ‘drift’ over time, if modifications are made to buildings without the fire safety implications being carefully considered and effectively managed.

i. Competence of Fire Risk Assessors

5.7 For buildings comprising its Core Estate, ECC is designated as the ‘Responsible Person’ under the Regulatory Reform (Fire Safety) Order, on the basis that it employs the majority of staff working within them. In practice, the designation of ‘Responsible Person’ for individual buildings is assigned to a named ECC employee in a managerial role. As the ‘Responsible Person’, the individual in question, on behalf of the organisation, is required to ensure that a suitable and sufficient fire risk assessment is completed for their building. This responsibility is discharged through a contract with Mitie. Under the contract, Mitie is required to ensure that fire risk assessments are completed and periodically reviewed by ‘competent persons’. In practice, initial fire risk assessments are carried out by a team of six specialist fire risk assessors, and the reviews by Assistant Facilities Managers, as an element of annual compliance audits which examine a range of issues including fire safety.

5.8 The contract also requires the competent persons in question to report the findings of the assessments/reviews, so that remedial works identified as being necessary can be considered and, either, programmed for delivery or held in abeyance if not regarded as being of sufficient priority, based on the level of risk presented.

5.9 Mitie’s fire risk assessors and Assistant Facilities Managers hold formal fire safety qualifications. However, their competence as assessors is not currently maintained against a formally recognised standard, nor are they, or Mitie, affiliated to any third-party accreditation scheme. IPRC members accept that such arrangements for maintenance of competence and accreditation are not requirements; however, they are regarded as good practice, and may well become mandatory through the Review of Building Regulations and Fire Safety being undertaken by Dame Judith Hackitt. On that basis, IPRC members were heartened by the news that Mitie are currently preparing to make an application for third-party accreditation through one of a number of potential schemes. They were equally pleased to be advised that Mitie are in the final stages of agreeing a “unique” Primary Authority Agreement with Tyne and Wear Fire and Rescue Service (TWFRS). The agreement will see TWFRS providing fire risk assessment training, fire safety technical support, and quality assurance of the Mitie fire risk assessment methodology.

5.10 IPRC members welcome these potential improvements to arrangements for ensuring the competence of those involved in fire risk assessment, and believe that ECC should review progress associated with their completion in due course.

Recommendation 10: Three months after publication of this report, ECC should review progress on the steps being taken by Mitie to improve arrangements for ensuring the competence of those involved in undertaking fire risk assessments, as well as reviews of such assessments.

ii. The quality of Fire Risk Assessments and completion of remedial works

5.11 During the visit to Southwark Council, IPRC members discussed the arrangements in ECC for the delivery of its fire risk assessment programme through a contract with Mitie. By contrast, Southwark employs an in-house team of fire risk assessors.

5.12 Although colleagues from Southwark fully accepted that such an ‘out-sourced’ arrangement could work effectively, they highlighted the importance of having robust quality assurance arrangements in place on the client-side of associated contracts. This was a point with which IPRC members wholeheartedly agreed.

5.13 According to the written submission provided to the IPRC by ECC officers, quality assurance arrangements, and those associated with undertaking remedial works arising from fire risk assessments, operate as follows:

“To ensure ECC scrutinise this process [the programme of annual risk assessment reviews] a representative from ECC infrastructure and delivery attends a random selection of these audits to review the processes carried out. Actions identified during audit are assigned to relevant individuals (this could be Mitie or ECC site management) to complete within 28 days. These actions are captured in a tracker, a revised version of which is submitted to ECC QHSE manager following the 28 day period. The outcome of these actions is also submitted to the ECC commercial team via the monthly report submitted by Mitie to ECC.”

5.14 In reality, the ‘scrutiny’ referred to above only extends to checking that a current fire risk assessment is in place and that required actions are being undertaken or are programmed to be undertaken. The individual in question does not assess the quality of the fire risk assessment.

5.15 That being the case, no formal quality assurance is currently being undertaken in connection with either the baseline fire risk assessments completed by Mitie’s team of specialists, or the annual reviews of these assessments being undertaken by Mitie Assistant Facilities Managers. IPRC members believe that this constitutes a material gap in quality assurance arrangements which needs to be addressed as a matter of urgency.

5.16 Furthermore, in order to ensure that the quality assurance process is effective, IPRC members would expect the level of expertise of those involved to be at least equivalent to that required for members of the Mitie specialist fire risk assessment team.

5.17 The importance of improving quality assurance arrangements was underlined through a review undertaken by the IPRC Chair of fire risk assessment activity for Seax House. The review exposed weaknesses that might be indicative of a broader problem with the quality of current fire risk assessments and/or associated documentation.

5.18 In terms of addressing remedial works identified as being necessary through the programme of fire risk assessments, the review undertaken by the IPRC Chair of Seax House also highlighted significant delays in addressing remedial works identified as being necessary in baseline fire risk assessments and subsequent reviews. Such works should either be programmed and completed within a reasonable period, or a decision taken, and recorded, that they will be held in abeyance on the basis of the 'tolerable' level of risk presented.

Recommendation 11: ECC should undertake a detailed review of arrangements for quality assuring its programme of fire risk assessments, and the annual reviews of these assessments.

Recommendation 12: ECC should review its approach to ensure that remedial fire safety works recorded as being necessary in fire risk assessment documentation are addressed within a reasonable period.

6. Fire Safety Standards in ECC buildings undergoing refurbishment

Background

6.1 Refurbishment projects will often involve 'building work', as defined in Regulation 3 of the Building Regulations 2010. Where this is the case, Building Regulations approval will be required, and responsibility for ensuring compliance with the Regulations will rest with a local authority building control office or Approved Inspector. Where it is not, responsibility for ensuring that fire safety issues are adequately addressed will rest solely with the 'Responsible Person' for the building in which the refurbishment work is taking place.

IPRC Findings and Recommendations

6.2 In undertaking this aspect of its work, the IPRC received written (see and verbal evidence from ECC officers. IPRC members also visited Parkside Court, a high-rise residential tower block in Chelmsford, which had fire sprinklers retro-fitted as part of a refurbishment project in the aftermath of the 2009 Lakanal House fire that occurred in Southwark, London.

6.3 For buildings in the ECC Core Estate, IPRC members were provided with persuasive evidence that effective arrangements are in place to manage fire safety in buildings undergoing refurbishment.

6.4 Such evidence was not, however, available in connection with the ECC Maintained Schools estate. A comprehensive report was provided to the IPRC by the Infrastructure Delivery team in which a number of scenarios were outlined which have the potential to compromise fire safety standards in schools where self-commissioned and managed maintenance and construction projects are undertaken. The two scenarios that IPRC members felt to be of most concern can be summarised as follows:

1. **Capital maintenance projects with a value of less than £10k, or projects with a greater value that are being self-funded by schools.** ECC does not currently deliver any projects that are self-funded or fall below the £10k threshold. Consequently, the responsibility for procurement and delivery of such projects rests with the relevant school. Due to the fact that very few schools employ a property specialist, a number of risks can arise.
2. **Self-funded enhancement projects.** This is where schools have saved sufficient funds to deliver enhancement projects, such as extensions and refurbishments. ECC has limited ability to monitor delivery of these projects or even, on occasion, to know anything about them. This generates a risk to ECC, both in terms of ensuring that its built assets are protected, and in connection with its responsibility for providing a safe learning environment for children.

6.5 In addition to outlining the above scenarios and associated risks, the report suggested a number of potential solutions. These focused primarily on a combination of providing improved guidance for schools wishing to undertake self-managed construction projects, and the introduction of construction procurement frameworks that would provide schools with access to competent contractors.

6.6 IPRC members agree that action needs to be taken to address this important issue, and would encourage officers to complete the work they have started to determine appropriate solutions from the potential options that have been identified.

Recommendation 13: ECC should complete the work that has been started to mitigate fire safety risks associated with maintenance and construction projects which are commissioned and managed by ECC Maintained schools.

6.7 The visit to Parkside Court provided IPRC members with a useful opportunity to tour a building incorporating fire sprinklers that had been retro-fitted as part of a refurbishment project. The system had been installed in the high-rise residential tower block at a total cost of £3k per flat, without the need to temporarily relocate any residents.

6.8 IPRC members were most impressed by the unobtrusive appearance of the modern sprinkler heads. They were similarly impressed when details were shared of a potentially serious fire that occurred in the building after the fire suppression system had been installed. The fire, which started when a chip pan caught light in a flat on the thirteenth floor, was controlled by the sprinkler system, enabling the occupant to escape safely and call the fire and rescue service. The resulting damage was limited to necessitating some relatively minor redecoration, and the resident was able to immediately return to the flat, avoiding the cost and inconvenience of temporary rehousing.

6.9 Having visited Parkside Court, IPRC members came to the clear conclusion that the retro-fitting of sprinkler systems in high-rise residential tower blocks could be both practical and cost-effective. On that basis, they very much hope that this approach to improving fire safety in such buildings becomes a centrally important strand of the response to the Grenfell Tower disaster.

7. Conclusion

7.1 During this review, the IPRC has carefully considered ECC's response to specific issues that emerged in the aftermath of the Grenfell Tower disaster. It has also examined the effectiveness of arrangements for ensuring appropriate fire safety standards in the design and construction of new ECC buildings, as well as the management of fire safety in existing ECC buildings and those undergoing refurbishment.

7.2 In doing so, they saw clear evidence of well-established fire safety management systems, including some examples of good practice. However, they also identified a number of areas in which there is clearly room for improvement.

7.3 Members of the IPRC believe that this report clearly articulates what they have found; the evidence in support of the findings; and a set of recommendations that provide 'real World' opportunities to secure genuine improvement.

7.4 The eventual impact of the IPRC's work will, however, be determined by the effectiveness of the response to this report. On that basis, IPRC members believe that a scrutiny exercise should be undertaken in 12 months' time, to assess the extent to which recommendations have been effectively implemented.

Recommendation 14: Twelve months after publication of this report, ECC should undertake a scrutiny exercise to assess the extent to which the recommendations made have been effectively implemented.

8. Appendices

Appendix A – IPRC Terms of Reference

Independent Property Review Commission

Terms of Reference

Original Motion – agreed at Full Council 11/07/17

'This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.'

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council asks the Leader to arrange for a thorough investigation into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is reviewed as appropriate and action taken.

In addition, the Council calls for the Leader to establish an independently chaired all-party commission involving partner organisations to look into the whole system of fire safety for employees and other users of our buildings. This would take into account the size, scale, location and use of the particular building and consider the tools and technologies available to protect human life and the building.'

Purpose of the Independent Property Review Commission (the Commission)

To conduct a comprehensive review of the Essex County Council (ECC) estate to:

- 1. Ensure that any external cladding on ECC buildings is reviewed, and necessary action taken to ensure appropriate fire safety standards; and*
- 2. Undertake a whole system review of fire safety for employees and other users of ECC buildings, taking into account the size, scale, location and use of the buildings in question, and consider the tools and technologies available to protect human life and the buildings themselves.*

The Commission will be invited to put forward recommendations to Cabinet at the conclusion of the review, and provide an update to Council.

Scope of the Commission

For the purposes of the Commission, 'ECC buildings' are all those owned and/or occupied by ECC, and other buildings within which third parties deliver services on behalf of the Council. Individual private dwellings, i.e. those not covered by the Regulatory Reform (Fire Safety) Order 2005, are out of the scope for the Commission.

Membership of the Commission

The Commission will consist of six members and an independent Chair. Members have been drawn from a list of nominees provided by political group leaders – one each from the Liberal Democrat, Labour & Non-aligned groups, and three from the Conservative group.

Membership has been confirmed as follows:

Independent Chairman	Andy Fry
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Conservative group representative	Cllr Lesley Wagland
Conservative group representative	Cllr Michael Hardware
Conservative group representative	Cllr Anthony Jackson
Labour group representative	Cllr Julie Young
Liberal Democrat group representative	Cllr Barry Aspinell
Non-Aligned group representative	Cllr Chris Pond

Quorum

Four members, including the Chair, must be in attendance for the Commission to sit

Meeting Frequency

The Commission panel will meet four times between October and January 2017. In addition, Commission members may undertake a number of site visits to facilitate and/or enhance the process of gathering necessary evidence and information.

Advisory status

The Commission is a purely advisory body, and has no constitutional decision-making powers. Formal decisions to implement any recommendations made by the Commission will be taken and actioned in accordance with the ECC Constitution.

Role

The role of the Commission will be twofold:

- 1) To scrutinise the fire safety of ECC buildings by exploring written evidence, hearing testimony from experts, and attending site visits; and
- 2) To approve a final report setting out the findings of the scrutiny exercise and associated recommendations, for submission according to the agreed governance route.

Key Lines of Enquiry

The Commission will follow the key lines of enquiry set out below as it scrutinises the fire safety of ECC buildings. These will guide how the Commission gathers and analyses the evidence that will inform the content of the report it has been tasked with producing.

- 1.0 Management of fire safety issues associated with external cladding on ECC buildings.**
- 1.1 Has an effective audit been undertaken to establish which ECC buildings incorporate Aluminium Composite Material (ACM) external cladding systems?
- 1.2 Has the audit reliably determined which of these buildings incorporate ACM external cladding systems that do not pass the 'post Grenfell' fire test introduced by central government?
- 1.3 In ECC buildings incorporating ACM external cladding that has not passed the above test, have interim steps been taken to ensure the necessary safety of people who resort to the buildings in question?
- 1.4 In ECC buildings incorporating ACM external cladding that has not passed the above test, are effective plans being put in place to ensure that interim fire safety arrangements will be replaced by substantive, alternative fire safety measures within a reasonable timescale?

This information is issued by:

**Essex County Council
Corporate Strategy &
Communications**

Contact us:

**peter.randall@essex.gov.uk
033301 36131**

Corporate Strategy &
Communications
Essex County Council
E1 Zone 3
County Hall, Chelmsford
Essex, CM1 1QH

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The information contained in
this document can be translated,
and/or made available in alternative
formats, on request.

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Published February 2018.

Appendix B - Progress against recommendations

Recommendation 1: *ECC should take urgent action to ensure appropriate steps are taken to address fire safety issues in high-rise buildings fitted with potentially hazardous cladding, in residential care homes operated by third parties where ECC places residents.*

Implemented

Officers have conducted desktop research and spoken with providers that concluded that there were no care premises used by ECC which were over 18m tall and had ACM cladding.

Recommendation 2: *ECC should consider the introduction of a sample auditing programme, to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents.*

Implemented

ECC already has a sample auditing programme in place to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents. Officers from the Quality Improvement Team have introduced more robust checking of the quality of the fire risk assessments inspected during site visits. These have been in place since June 2018.

Recommendation 3: *ECC should issue guidance to all maintained schools, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed, and share it on a 'for information' basis with other Essex schools.*

Implemented

At the time of the IPRC review, a desktop study had been undertaken of ECC maintained schools to review the presence of cladding on multi-storey buildings in excess of 3 floors. This determined that there were very few buildings with more than 3 floors, of these none were residential in nature and none had cladding of concern. The IPRC subsequently raised concerns about the potential presence of cladding in schools with more than one storey, specifically in areas such as escape routes and refuge areas that could have potential to increase risk in the event of a fire. The ID Team therefore set out to evaluate this risk on the maintained school estate and address the IPRC recommendation.

The existing building data was not detailed enough to provide the necessary information to assess this risk and as such the ID and H&S teams worked together to determine a strategy for obtaining this information. An initial desktop study determined that there were 64 maintained schools with more than one storey. Guidance was then produced to assist schools to undertake a visual inspection of their buildings to identify the presence of any cladding.

A questionnaire was included for schools to provide a compulsory response including photographs of any cladding and giving the location of any cladding on the building in relation to fire escapes, corridors, stairs and refuge areas. No technical experience was required to undertake this inspection and examples of different cladding types and wall coverings that may be mistaken as cladding were clearly shown in the guidance. The guidance was issued to the identified schools on the 30 June 2018 with a return deadline of 10 August 2018 and schools were required to respond whether they identified any cladding or not. Prior to issuing the guidance it was reviewed by Metro Safety, a professional H&S consultancy.

Obtaining responses from some schools was challenging with several requiring chasing. However, by early 2019 ECC ID had received responses from all of the 64 schools. The results were then analysed against technical guidance produced by Metro Safety. The results can be summarised as:

32 of the 64 schools had some form of cladding present on the building(s), of these:

- 8 schools had cladding near stairs;
- 3 schools had cladding near a refuge;
- 6 schools had cladding near a corridor; and
- 17 schools had cladding near a fire escape.

The returned questionnaire answers (along with individual officer knowledge of buildings), photos and plans were studied by the ECC ID and H&S teams and subsequently 27 of the 32 schools that had some form of cladding were determined as having no additional significant health and safety risk posed by the cladding. Of the 5 remaining schools, one had recently become an Academy and was therefore no longer under the control of ECC. ECC Corporate Health and Safety contacted this school and provided information to enable the Academy Trust to take the matter forward itself.

Whilst the survey data was being compiled by the schools, the ECC ID and H&S teams had received training from Metro Safety on the identification of cladding that could pose a risk. Once the 4 remaining schools had been identified, ID Quality Inspectors visited the sites to undertake a technical assessment of the potential risk and recommend next steps to manage any issues.

The following summary reports set out the key findings:

Summary - Wentworth Primary School, Maldon

There are some areas of concern on the single storey areas where exterior cladding is present in the area of or closely adjacent to primary escape doors and routes. This will require further discussion on whether any action is necessary.

Summary - Danbury St John's, Chelmsford

PVC cladding is virtually everywhere adjacent to and around primary fire escape doors and routes and is a cause for concern. Especially as this

appears to have been fixed over the top of the coated timber panels which are also combustible. There are numerous areas of concern where PVC cladding is adjacent to or alongside primary escape routes. Further discussions on potential mitigation strategies are now required.

Summary - Buckhurst Hill Primary School

There are some areas of concern where cladding is in the direct area of or closely adjacent to primary escape doors and routes, this could be mitigated with good preparation and reapplication of a fire retarding finish.

Summary – Edith Borthwick School

Edith Borthwick School is to be visited by the ECC Principal Quality Inspector over the 2019 Easter Holiday.

A meeting is now planned to discuss the above findings and determine the best course of action in each case, including, where necessary, the identification of any budget necessary to undertake remediation works. Specialist advice may be sought in some of the above cases. The schools have been notified of the initial findings and specialist advice is being sought to determine whether there are any immediate operational measures that can be put in place to mitigate the identified risks as far as possible. It is anticipated that, depending on the extent of remedial works required, they may be undertaken in the 2019 summer holidays. Any sites requiring extensive remedial works may however take more time to plan and procure.

In September 2018 a letter was sent to ALL schools (including Academies) updating them following the original correspondence issued by the Director of Education in June 2017. This set out the measures that ECC was putting in place, the recommendations of the IPRC and suggested that non-maintained schools followed a similar approach with the assistance of their property management consultants. The guidance has also been published on a “for information only” basis, on the Essex Schools’ InfoLink system and thereby made available to all Essex schools, including those not maintained by ECC.

Recommendation 4: *Three months after the guidance referred to in recommendation 3 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.*

Implemented

In line with the response to recommendation 3, all schools of more than a single storey under ECC control were asked to complete a survey and all have responded. In light of this 100% return, it is not anticipated that a sample audit is required. Responses from schools have been logged, evaluated and work is underway to address the risk posed by potentially combustible cladding.

Recommendation 5: *ECC should issue guidance to organisations providing residential care in premises where ECC places residents, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed.*

Alternative Implemented

Officers in the Procurement team wrote to all residential care providers in June 2017, and again in April 2018, reminding them of their obligations under the legislation to employ or engage competent persons to carry out fire risk assessments of their premises to the appropriate national standards, including that these consider potential external fire spread.

Recommendation 6: *Three months after the guidance referred to in recommendation 5 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.*

Audit systems already in place, but a strengthened process has been implemented

ECC already has a sample auditing programme in place to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents. Officers in the Quality Improvement team have been supported by the Health and Safety team to introduce more robust checking of the quality of the fire risk assessments inspected during site visits.

Recommendation 7: *ECC should put in place clear arrangements for the provision of ad hoc specialist fire safety advice in connection with relatively complex fire safety issues.*

Implemented

ECC already has clear arrangements for the provision of ad hoc specialist fire safety advice in connection with relatively complex fire safety issues. Advice can be accessed via the Mitie contract, the Lead Building Control Partnership agreement (with Chelmsford City Council) or existing arrangements with specialist consultants.

Recommendation 8: *ECC should introduce arrangements for Essex County Fire and Rescue Service to be invited to be involved at an early stage in the building design process for all its 'upper-tier' construction projects, i.e. those with a capital value in excess of £2m.*

Implemented

Following the IPRC recommendation, a collaborative working agreement was prepared by ECC Infrastructure Delivery (ID) setting out proposed future working arrangements between ECC ID and ECFRS. It was felt it was in both parties' interests to have clarity around expectations and to formally agree the

document. ECC ID also prepared an “Early Notice of Proposed Works” form as a standard document for all projects over £2m which lists the key questions ECC is seeking responses to from ECFRS.

The collaborative working agreement was handed to the fire service for signature in the summer of 2018 (signed by ECC) but was unfortunately not returned until Feb 2019 despite several reminders. Whilst this did not prevent ECC from seeking local fire intelligence from ECFRS, it was indicative of the resourcing issues that ECFRS appear to be facing.

To better understand any local risks and inform requirements for any enhanced fire safety measures on projects over 2 million pounds, ECFRS has been asked for local fire intelligence on four projects. However, to date they have not been able to respond with the information requested and it is apparent that parts of the fire service lack resources/resilience. The coordination of this work sits with one officer who has sadly been off on long term sick leave. Another fire officer who had retired, has been re-engaged by the fire service to provide support and whilst both individuals have been very supportive, they appear extremely busy with clearly more pressing fire matters.

On a visit to their HQ (03/01/2019), ECC had yet to receive a response to questions raised in October 2018. The request was chased again, and the fire service reported back in February 2019 that they could not locate the October request. Due to the nature of school delivery programmes, information requested needs to be provided promptly to avoid any delay to the capital programme and the ultimate provision of school places. These requirements for a timely response to requests for information are set out in the collaborative working agreement.

In conclusion, the ECFRS officers are very supportive and are keen to work with ECC but to date, we have not had any returned risk assessments. A regular meeting is planned to take place with the ECFRS shortly and the matter will be raised again to discuss a way forward for when the next requests will be sought.

Recommendation 9: ECC should introduce a requirement for property protection and business continuity risk assessments to be undertaken as an element of all future design briefs for new buildings.

Implemented

Following the IPRC review and publishing the recommendations, the Essex Construction Framework (ECF) contractors were updated on the IPRC conclusions relating to their services. The need for a business continuity and asset protection risk assessment, in accordance with British Standard 9999, was made clear for future commissioned projects. However, it soon became apparent on the first projects where this was requested, that the ECF

contractors had never completed one of these assessments. Two of the ECF contractors are large national companies and they had never been asked to do this, contrary to the view of the IPRC Chair that it is normal practice for designers to complete such assessments and to advise the client accordingly.

ECC ID Team has asked through its national networks, to see if anyone had completed such a risk assessment for a school project. A leading fire engineer, for a major global design consultancy who advises the department of Education on their fire standards confirmed that they had never completed one for a school project. In short, ECC ID were unable to find an example of where this assessment had been undertaken for a school project. The response often received was that it is not the designer but the client who should make this judgement. In addition, no designer had a template or process they used to assist the client in undertaking this assessment themselves.

Consequently, the ID Team determined that to address the IPRC recommendation it would have to develop its own procedure.

On considering the objective of a property protection and business continuity risk assessment the two elements need to be considered separately where property protection seeks to assess and seek to reduce the **likelihood** of an event and business continuity assesses the **impact**.

Business Continuity

Business Continuity planning seeks to identify potential impacts that threaten an organisation and, rather than having to 'firefight' any emergency, helps prepare you to offer 'business as usual' in the quickest possible time.

With respect to the school estate, business continuity (IPRC focus) is primarily about minimising the impact on the delivery of education in the event of major building loss through a fire by having a plan in place that is understood and can be implemented should such unfortunate circumstances happen. Having an effective Business Continuity Plan will also highlight other key considerations such as financial implications. In addition, an effective Business Continuity Plan for a major fire loss would be equally effective for other unexpected events such as flooding, natural occurrences, etc.

Whilst the DfE requires every school to have a Business Continuity Plan, to date ECC ID has not seen any school which has a plan for a major, or total loss of their building. This is not to say that no ECC schools have prepared for this eventuality as part of their business continuity planning.

An effective Business Continuity Plan would identify risks that would prevent a school from operating and identify mitigating measures to be considered. However, it is important to appreciate that any building, even ones with extensive property protection measures in place (over and above Building Regulations), could still suffer a major loss due to fire. So having a plan ready to implement- if such an event occurs – is important.

The ID Team consider that reviewing business continuity risk at the design stage is different to business continuity planning. It is a more specific review of the impact on the business should something happen to the asset (i.e. a total or partial loss). Armed with an understanding of this impact one can consider the resources that should be deployed to mitigate it.

Initially a flow chart was devised that asked key questions to establish a business continuity risk score for each project being delivered. Keeping the process simple was a key objective but proved challenging to achieve for several technical reasons, including quantifying the risk by defining it numerically. An experienced external Fire Engineer's advice was sought, and the outcome was that this approach - whilst fully understood - was going to be complicated to apply. Following discussions with the Head of Schools Organisation it was agreed that for mainstream schools the risk to business continuity of a total loss of an asset (the key focus of this assessment at the design stage) would be uniform across projects. A specific business continuity assessment for every mainstream project is therefore considered unnecessary.

Experience on John Ray School (total loss due to fire in 2013) demonstrated that there were a number of options available to ECC in the event of a total loss to maintain business continuity. The view from the Head of Schools Organisation was that Head Teachers, irrespective of whether a school was ECC operated or an academy, would be cooperative in emergency circumstances and would do what they could to assist a neighbouring school.

Consequently, the recommendation to the IPRC is that ECC's Business Continuity Policy, in respect of a major incident rendering a mainstream school (either in part or wholly) unusable, is to follow the below priority list:

1. Deliver temporary accommodation on the existing school site if viable (if the school has excess playing fields for example)
2. Deliver temporary accommodation at a nearby suitable asset either already in the ownership of ECC or accessible by ECC (e.g. vacant land or property owned by ECC or available for commercial rent nearby)
3. Deliver temporary accommodation at one or more of the nearest local school/s with sufficient and suitable external land.

Following discussions with the ECC Insurance Team, a workshop was arranged with ECC's Insurers and key officers involved with the delivery and management of the schools estate. This workshop identified that there is further work required to bring schools (both maintained and Academies) to a position where business continuity has been properly reviewed and planned for. Business continuity planning is the responsibility of individual schools, however to ensure a consistent and quality approach a template could be issued to schools to assist with this process. In light of the above

recommendation, this template could include a review of alternative sites in the local area that could be utilised in the case of a total loss scenario.

SEND schools are not considered to have the same business continuity risk as mainstream schools as a result of the specialist nature of the buildings and equipment required. Alternative provision for such schools would be difficult to re-provide in temporary accommodation and could lead to out of county provision at high cost and high impact on children and families. As a result, it is considered that where sprinklers are not proposed to be fitted as standard, a project specific business continuity risk assessment should be undertaken for SEND schools at the design stage to consider the options available for alternative provision in the event of a total loss. Currently SEND schools delivered by ECC are fitted with sprinklers as standard due to this risk.

Property Protection

The ID Team consider that Property Protection, in the context of a design stage risk assessment, should seek to assess the likelihood of a fire occurring that could damage the asset and what measures could be put in place to mitigate this over and above statutory requirements.

For new buildings or refurbishment works, Building Regulations set down the minimum fire safety requirements required to meet statutory requirements for life safety. For example, fire compartmentalisation, appropriate materials, fire alarm warning systems, etc. Further property protection measures over and above statutory requirements may be client or insurance driven. Examples of property protection measures include; enhanced building security measures to minimise arson (fences, shutters, heavy duty doors, CCTV, etc.), a more extensive fire alarm system (over and above statutory requirement), enhanced passive measures and automatic suppression systems (e.g. sprinklers).

The ID team have also looked at the Property Protection element of the recommendation and contacted other local authorities, but have not found any which exceed building regulations (statutory requirements) as a matter of policy. Given the funding which ECC receives from Central Government is for basic need only, any additional works require further funding at a direct cost to ECC.

ECFRS expertise was sought as part of the process to understand property protection risk and from this ECC ID developed a standard pro forma for the ECFRS to complete for individual projects over £2million regarding local fire intelligence.

The information sought is high level and seeks any knowledge – within the last 5 years that would help ECC to understand the local fire risk:

1. Has the site (including the grounds) a history of fire/arson? If yes, would ECFRS deem the site low, medium or high risk? Where available, provide any details to help ECC understand the risk such as number of call outs, approximate dates of call outs, type of incident,

etc. (for example, only 1 call out summer 2016 – bin fire in playing fields – low risk)

2. Do other local schools in the vicinity have fewer or a larger number of fires? Is this deemed low, medium or high risk?
3. Does the general locality have a low, medium or high arson rate with the last five years?
4. On receiving a 999 call, approximately how long would it take ECFRS to be at the building?
5. Is there any other information relating to local fire incidences that ECC should be aware of?

As stated above, four projects were submitted to ECFRS but no response has been received. A meeting with ECFRS will take place in April to establish how best to take this forward ready for when the next round of viability studies are released by the schools service. It is hoped that going forward we will be able to work together to identify instances of high risk where fire prevention measures in addition to statutory requirements are warranted for the purposes of property protection.

ECC's consultants and contractors have made it clear that they require clarity on the type of additional measures that should be considered in projects determined to be higher risk as these would be outside the standard specification. There are many different technical solutions that could be considered depending on the type of project as set out above and it is dependant on whether the building is an existing refurbishment, new build, or a mix and the overall risk profile. This area is complex to establish a simple solution for designers to implement and will need to be considered on a project by project basis.

Passive Fire Safety – leading the way.

Whilst not directly a recommendation of the IPRC, ECC ID and H&S Teams have worked with framework contractors and others including ECFRS to review other areas where fire safety could be improved. This has resulted in an ECC policy relating to Passive Fire Safety being endorsed. This policy provides clarity to contractors, ensures a level playing field for tendering, promotes best practice and provides end users with a comprehensive set of information.

The executive summary below provides an overview of the policy to improve passive fire safety for ALL ECC buildings.

Executive Summary

*The Corporate Health and Safety Board agreed to grant the content of this document **ECC Policy Status** in December 2018.*

It aims to provide ECC with greater confidence that the installation and workmanship of fire doors and fire stopping complies with Part B (Fire) of the Building Regulations by requiring third party accreditation of

installers/manufacturers along with the production of an audit trail with certification.

For all ECC funded and delivered projects (which is predominately school buildings), Infrastructure Delivery (ID) recommends that;

1) Fire doors shall only be:

- *supplied as (proprietary tested) door sets*
- *from manufacturers that have relevant third party accreditation for manufacturing quality (for example <http://www.bwfcertifire.org.uk/what-is-bwf-certifire/why-choose-a-member>).*

2) Fire doors and fire stopping shall only be installed by:

- *a third party accredited company or*
- *a trained individual who has been assessed as competent through third party accreditation*.*

Inspection and certification by a third party accredited inspector is not favoured because a visual inspection cannot confirm compliance of workmanship and materials used that has been covered up.

** Note: Third party accreditation means members of a UKAS accredited scheme which covers the scope of work undertaken*

3) All passive fire protection measures installed shall be labelled, photographed, scheduled and recorded on plans upon completion by the third-party installer. *On completion the contractor and client will have a comprehensive record and audit trail to demonstrate compliance which the end user can then manage and update during the buildings life.*

4) All school managed projects *to be strongly encouraged to adopt this (fire safety) standard.*

Recommendation 10: *Three months after publication of this report, ECC should review progress on the steps being taken by MITIE to improve arrangements for ensuring the competence of those involved in undertaking fire risk assessments, as well as reviews of such assessments.*

Partially implemented

Feedback received from MITIE fire safety professionals tells us that a Primary Authority Agreement has been set up the with Tyne & Wear Fire Services but they have confirmed that Mitie Compliance do not hold an official accreditation such as BAFE.

By entering into an agreement with Tyne & Wear FS Mitie consider that we have a very unique partnership with a National Fire Service which provides training, auditing of our assessors and technical advice.

As we have a partnership with the Fire service we are not intending to look into accreditation until the recommendations made in the Hackett review reference competence are acted upon.

Recommendation 11: ECC should undertake a detailed review of arrangements for quality assuring its programme of fire risk assessments (FRA), and the annual reviews of these assessments.

Implemented

FRAs have been completed for all core estate sites by a competent person from the Mitie compliance fire risk assessors, these assessments are then reviewed on an annual basis by MITIE.

There is a nominated representative of the Infrastructure Delivery Team who quality assures this process. Further, the Essex Fire and Rescue Service visit ECC sites on an ad hoc basis. The EFRS has never issued an improvement notice whilst the ECC/MITIE partnership has been in operation.

Recommendation 12: ECC should review its approach to ensure that remedial fire safety works recorded as being necessary in fire risk assessment documentation are addressed within a reasonable period.

A project management resource has been allocated to the Facilities Management team to enable logging and tracking of the risks identified in FRAs to enable action based upon finding to be undertaken appropriately.

The actions identified by fire risk assessments are classified as either major or minor works.

Major: Remedial works that will usually require project management to complete. As an indication this will usually be works with a value of £10,000 or higher, however this may not always be the case. Any major works are run through the EPF / MITIE capital works program.

Minor: Smaller works that can be completed. These works will usually be of a under £10,000. The completion of these works in a timely manner is ensured through the SLA in place within the MITIE / EPF contract.

Recommendation 13: ECC should complete the work that has been started to mitigate fire safety risks associated with maintenance and construction projects which are commissioned and managed by ECC maintained schools.

Implemented

Following the IPRC recommendation, the ID Team immediately set out to assess the scale of the issue and the scope for any mitigation. The report provided to the

IPRC, upon which the recommendation was based, was focussed entirely on the schools estate, however it was considered that the issue could be broader than this. As such, a number of meetings were held with various commissioners to determine the measures that are currently in place to ensure that works are delivered properly. This identified that there were a number of avenues through which works projects could be commissioned and different levels of checks and balances being applied.

As a result of this initial work, it was clear that a broader approach to this issue was required, rather than simply focussing on the schools estate. A holistic approach would allow the consistent application of mitigating measures, thereby facilitating management within ECC. It was also clear that a range of stakeholders were involved in this and therefore collaboration was required to achieve a workable solution.

The approach to explaining the potential remedies to this issue requires us to divide the works that may be delivered in to a number of broad categories as set out below. All works delivered that ECC may have an interest in fall in to one of these categories:

1. Works affecting an ECC asset.
 - a. Works that fall above the landlord consent threshold.
 - b. Works that fall below the landlord consent threshold.
2. Works being funded by ECC (in full, partially or ECC acting as the conduit).
3. Works that don't fall in to either category 1 or 2 above.

1. Works affecting an ECC Asset

Where ECC owns an asset that is having works undertaken, it has a responsibility to:

- Building users – to ensure that the works are delivered safely
- Tax Payers – to ensure that:
 - the works align with policy and strategy;
 - the works will delivered in line with the relevant standards; and
 - the works will not detrimentally affect the value of the asset.

The existing way of controlling such works is via the landlord consents process. However, some works such as maintenance and replacement works are currently not considered to fall under the landlord consents process, meaning that they could be delivered with little or no knowledge or input of the landlord (ECC). Examples of such projects are school maintenance works that fall below the threshold of the ECC managed Capital Maintenance Programme.

1a. Works that fall above the Landlord Consent threshold

Works that are captured by the landlord consents process can be effectively “managed” by ECC in its role as landlord. A clear single stage process is currently in place, administered by the ECC property and ID teams, that reviews applications and provides permission for any works to commence. The two teams have been

working together for the last few months to refresh this process with a view to making this process more robust.

Current thinking is that a three stage approval process would be more effective, whilst also delivering benefits to the tenant (e.g. the School). The current single stage process requires the provision of a significant amount of information **ahead** of a decision being made on the success of the application. The proposed new process will provide a much earlier “in principle” decision, based on high level information, that will provide comfort to the tenant that it is worth investing in the surveys and professional services etc to deliver the detailed information. The current proposal, which needs to be ratified by Essex Legal Services is to follow a three stage approach as set out below. Once the process has been finalised and approved it will be communicated to all tenants.

Stage 1 – Tenant completes and submits Stage 1 form which sets out the proposal at a high level, the expected impact on the asset, the delivery methodology (including professional services to be engaged) and the budget. Using this information, ECC Property can review the impact on the asset, seeking advice from the ID team where necessary. If additional information is required at this stage for any reason it can be requested. In the case of school projects, the review might include input from the Schools Organisation team to determine any impact the works may have on future expansion. An in principle decision can be made with guidance given to the Tenant on the information / evidence that they will be required to provide ahead of formal approval. In the case of very straightforward projects, Stage 2 may not be necessary and the Tenant will be advised accordingly that they can progress with delivery and skip to Stage 3.

Stage 2 – Following in principle approval, the Tenant can proceed with undertaking the necessary surveys, design work and gaining the appropriate permissions. They would then be required to complete the Stage 2 form to evidence that the works **will be delivered correctly** and meet the requirements of the checklist that would have been provided as part of Stage 1. Depending on the nature and scale of the project, they are likely to need to provide Method Statements from the selected Contractor, evidence of Planning Approval (if required) and Building Regulations Approval (on full plans basis). Once they have met all of the requirements set out in the checklist, they will be granted approval to proceed with the works and a Licence to Alter will be provided. In most cases, the documents set out in the checklist should not require checking by ECC, they should simply be used as evidence that the correct steps in project delivery have been followed.

Stage 3 – Following completion of the Project, the Tenant will need to evidence that the works **have been delivered correctly**, this is likely to include the provision of as built drawings, Operating and Maintenance Manuals and evidence that Planning Conditions have been discharged. Upon provision of this information, the works can be considered to be completed and all documentation saved in the property files. The Team are currently considering how this final stage can be enforced as it is often the case that Tenants will not provide this information readily.


In addition to the above process, it is proposed that a shared database of Landlord Consents applications will be created that can be reviewed by both the Infrastructure Delivery and Property / Estates Teams to ensure efficient process management.

1b. Works that fall below the Landlord Consent threshold

Works that fall below the Landlord Consent threshold, unless funded by ECC (see scenario 2), are more difficult to police. As stated above, for schools directly delivered works, guidance on correct delivery is readily available online on the InfoLink pages, however this does not mean that schools will review this advice or follow it. One key piece of guidance is that schools should employ the services of a property management professional to deliver any works necessary. For a typical school it would be prudent to employ such a professionally qualified person to manage their core maintenance and compliance schedule, and some schools do this, often grouping together to achieve value for money. However, it is clear that some schools opt to deliver such projects themselves, without any professional support to guide them. This can lead to the risks highlighted to the IPRC at the time of the review and also value for money risks as there may be little or no challenge of costs.

As the responsibility for paying for these works falls to the school, ECC has little say in how these projects are delivered and in most cases are not informed that they are taking place. However, as the Employer in maintained schools, ECC is ultimately held accountable and could consider putting in place certain requirements to reduce the risk of poor delivery occurring. A number of these requirements were set out in the initial report to the IPRC. A range of options are now being drafted which will be presented to the Director of Education for consideration. Once the measures have been decided, they will be facilitated (procurement activity may be required depending on the options agreed) and information sent out to all affected schools.

Options to be considered include the following which is graded from higher risk (top) to lower risk (bottom):

Rely upon the guidance provided online as is currently the case	<p>Higher Risk</p>  <p>Lower Risk</p>
Mandate that guidance is followed and evidence is provided	
Mandate that a Property Specialist is commissioned to oversee the works	
Mandate that a Property Specialist from a qualified list is commissioned to oversee the works	
Mandate the use of pre-qualified contractors that have passed threshold quality tests and follow set ECC Methods.	
Mandate that all building maintenance works are sourced centrally	

In addition to the above measures, it is proposed to review and more rigorously promote the information that is already available on the InfoLink pages. This goes hand in hand with the review of the Landlord consents process and any communications that will need to be issued around changes to that process. Regular articles will be included in the school newsletter reminding schools of this resource, especially in the months leading up to the summer when the majority of projects are delivered.

2. Works being funded by ECC

There are many cases where works being delivered on sites either owned by or not owned by ECC are funded by ECC. In some cases, ECC may not be the direct funder but instead could be the administrator of government funding. In each of these cases ECC has a responsibility to

- Building users – to ensure that the works are delivered safely; and
- Tax Payers – to ensure that:
 - the works align with Policy and Strategy;
 - the works will delivered in line with the relevant standards; and
 - any specific design standards are adhered to (e.g. school room sizes etc).

With the majority of works delivered where the funding is administered by the ID team, a formal funding agreement is put in place which is signed by both parties. This agreement sets out the requirements of delivery and is an opportunity for ECC to retain a level of control over the standards in delivery. If the beneficiary of the funding fails to deliver the requirements, be they scope related or standard related, then they will not receive the payment (which is generally in lieu). This is a strong mechanism and is generally accompanied by the provision of an ECC employed Project Sponsor on each scheme to provide guidance and ensure that ECC is achieving value for money.

Schemes that are not delivered via the ID team typically do not have such measures in place and as a result there is limited ability to set standards and then

police them. Recent discussions on S106 education related works where funds are directly provided to establishments have determined that the ID team should be commissioned to accompany the funds where they are in excess of £50,000 to ensure standards are achieved and deliverables are met.

Formalising funding agreements for ANY project funded by or through ECC is an opportunity to address the risks associated with self delivery and ensure that standards are maintained. This could go hand in hand with the measures set out for scenario 1b above with the funding agreement directing the beneficiary to utilise specific procurement routes or similar if this was deemed suitable. This however must be a service decision.

3. Works that don't fall in to category 1 or 2 above

An example of category 3 works, where ECC may have an interest, would be an Academy (not subject to ECC lease) or an independently owned and operated Care Home where ECC has placed residents. Any works being delivered on these sites would be subject to standard regulations but ECC would not (generally) have any powers to direct the building owner / manager to meet any specific requirements or utilise any specific contractors.

ECC currently provides online guidance on InfoLink to ALL schools within Essex (including Academies) setting out considerations for safe and professional delivery of works projects. Any school enquiring about such works would be directed to this site in the first instance. It is proposed that for this category of works, where ECC may have an interest but cannot enforce anything upon the deliverer of the works – this approach of providing guidance (available to download) continues.

An option for enforcing standards would be to write them in to any service contracts that are in place between the parties (for example in the case of care home provision), including the ability to inspect. This option would not however work in the case of Academy Schools where no such contracts are in place.

Recommendation 14: *Twelve months after publication of this report, ECC should undertake a scrutiny exercise to assess the extent to which the recommendations made have been effectively implemented.*

Report title: Ringway Jacobs Task and Finish Group – Draft Report <div style="text-align: right;"> PSEG/07/19 AGENDA ITEM 6 </div>	
Report author: Peter Randall, Senior Democratic Services Officer	
Date: 18/04/19	For: Place Services and Economic Growth Policy and Scrutiny Committee
Enquiries to: Peter Randall, Senior Democratic Services Officer and Richard Buttress, Member Enquiries Manager	
County Divisions affected: All Essex	

1. Report Outline

Attached as **Appendix A** is an early draft report and recommendations from the Ringway Jacobs Task and Finish Group.

As it is still in draft, a large amount of the report is still to be properly formatted and proof-read. The report is in bullet point format but it will be properly filled in and typed out, with a front page and foreword added. This will be completed before final submission.

2. Summary of Recommendations

Contract Re-procurement

1. Members of the Task and Finish group conclude that the most sensible option for the cabinet member is to renew the contract with Ringway Jacobs for five years, with the caveat that a number of changes are made to current arrangements. These are set out in the recommendations below in the following categories: ongoing scrutiny, maintenance, reporting of defects, customer services and communications and supply chain works.
2. Members noted serious concerns regarding the readiness of Essex County Council (ECC) to re-procure. Within three years, both Place Services and Economic Growth Scrutiny Committee and Corporate Policy and Scrutiny Committee need to be satisfied that ECC is in a secure position to re-procure, with a clear place for scrutiny factored into the timeline.

Ongoing Scrutiny

3. A working group (hereafter referred to as the Ringway Jacobs and Essex Highways working group) should be established to facilitate an ongoing engagement with Ringway Jacobs and ECC Highways officers. This will

continue the work of the task and finish group, encouraging member-driven scrutiny looking at procurement, highways policy and overall contract performance. This should meet quarterly. A six-monthly update, presented by the Chairman of this working group, will be delivered to both scrutiny committees. The group will be comprised equally of members from both the Place Services and Economic Growth and Corporate Policy and Scrutiny Committees and operated through current task and finish arrangements.

4. The annual review of KPI's that are presented to the Cabinet Member should also be presented to the Place Services and Economic Growth Policy and Scrutiny Committee and the Corporate Policy and Scrutiny Committee for further review, with time to offer recommendations.
5. The Ringway Jacobs and Essex Highways working group will continue the benchmarking work of this committee, exploring the work of other highways authorities.
6. The cabinet member is to be commended for improvements in the quality of relationships between members and Ringway Jacobs officers. This is due, in large, to the success of the 'buddy system'. Member relationships with regards to local pieces of work however, could be improved. There should be a mechanism put in place for direct scrutiny of specific contract elements or pieces of work, even if this simply involves the local member being consulted upon request. This could be through an enhanced version of the 'buddy' system already in operation.

Maintenance

7. The cabinet member should consider asking officers to review the risk matrix. As it stands, serious defects that might register significantly on the 'risk impact' scale, but only slightly on the 'risk probability' scale could potentially receive a less urgent timescale for repair than their impact would necessitate. This should be addressed. Members should be engaged through the Ringway Jacobs working group to aid in the review and update of the risk register.
8. The Cabinet Member and officers should explore reviewing the current maintenance strategy (last updated in 2008) with a view to determining suitability to ECCs current policy priorities and is encouraged to make use of the working group. This should include a conversation around road classifications and priorities as well as the current criteria for defects to warrant repair.
9. Members noted with concern that particular KPIs outlining timescale requirements for streetlight repairs had been removed from the contract. Members ask that KPI A14 (Average number of days taken to repair lighting faults within control of LA) is reinstated.
10. Members should receive a more accurate indicative timetable for remedial works and larger schemes, with estimates on timescales provided for communication with local residents.

11. A specific KPI should be included within the contract for all work carried out by utility companies to be inspected before the two-year maintenance repair ends. This inspection should determine whether the work has been completed properly and to an agreeable standard.

Reporting of defects

12. Officers and Members raised a number of concerns regarding the interaction between Ringway Jacobs and Essex Highways systems (confirm/online reporting tool). This should be seen as a priority moving forward, to ensure a more effective, joined up service is offered in future.
13. The ease with which faults can be reported has a huge amount of impact on overall public perception of the highways service offered by ECC. Ringway Jacobs and ECC should learn from best practice in terms of fault reporting with a view to designing a more effective system. This should provide members of the public with more detailed information regarding the defect including an estimated timescale for repair. We are aware that work is already being undertaken to improve the online tools and the working group would welcome being involved in this moving forward.
14. All Members should receive quarterly training opportunities on issues around reporting of defects, changes to the online tool, and follow up enquiries. (Change to quarterly drop-ins and training for changes/improvements).

Customer Services and Communications

15. It was noted by members that, while ECC and Ringway Jacobs are both excellent with regards to reactive communications, both need to work together to produce a more proactive communications agenda. Members of the working group gave considerable time investigating this area and would like to undertake further analysis as part of its future programme. Members understand that expectations need to be managed, but feel strongly that Ringway Jacobs should be measured on overall public perception through an additional KPI – the manner of which to be determined by the cabinet and officers, with input from the Essex Highways Ringway Jacobs working group.
16. Members question the value of the National Highways Tracker (NHT) as an effective method of measuring satisfaction. Officers and Members should explore whether the NHT is fit for ECC, and whether an in-house alternative could potentially lead to greater ownership of results, more validity of feedback, and more control over the questions asked.
17. A single, clearer set of lines of responsibility for informing members of changes to roadworks and reported repairs be implemented which could be written into the Ringway Jacobs contract.

Supply Chain

18. The Cabinet Member should consider the potential for ECC to employ or contract its own independent inspectors to assess the quality of works carried out by Ringway Jacobs parent companies, as well as the wider supply chain. This could be conducted as a sampling exercise, with a KPI associated to ensure that the quality of works remains consistent.
19. ECC needs to more closely oversee larger pieces of supply chain work. The working group should be more engaged moving forward and provided assurances as to the value for money and quality of work provided by third parties.
20. All third parties carrying out work on ECCs behalf should be branded accordingly, explicitly stating that the organisation is representing ECC. The quality and consistency of signage on Essex Highways works also needs to be greatly improved in terms of the information provided and the expected timescales outlined for completion.
21. The Cabinet Member should explore encouraging Ringway Jacobs to adopt an incentive-based scheme when procuring further works beyond those originally contracted. This could take the form of a ranked preference system as already in operation in authorities such as Leicestershire County Council.
22. ECC should draw more on expertise from within the Supply Chain Forum, collectively determining solutions to local government pressures around efficiency and reputational damage. There need to be mechanisms in place to ensure that these efficiencies are monitored and fed back into the supply chain. The Ringway Jacobs working group should engage with the minutes of these meetings and the Chairman of the Ringway Jacobs working group should be invited to attend Supply Chain Forum meetings.
23. Ringway Jacobs is to be commended for its social value work and commitment to activities beyond those required through the contract, especially with regards to work carried out with the armed forces. ECC should be better at publicising this work. The Cabinet Member should encourage Ringway Jacobs to adopt more internal social value measures, particularly around hiring more apprentices into the Ringway Jacobs workforce. The Cabinet Member might consider adding a KPI determining a minimum expectation (i.e. number of apprentices as a percentage of the overall workforce) into the contract.

3. Session aims

Members of the both the Place Services and Economic Growth Policy and Scrutiny Committee and Corporate Policy and Scrutiny Committee asked to discuss the findings and endorse the recommendations with changes.

Scrutiny

Improving public services

Scrutiny Report

Joint Task and Finish Group – Ringway Jacobs Contract

April 2019

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DRAFT

1. Foreword from the Chairman of the Task and Finish Group, including the summary of recommendations

A Foreword from the Chairman, Cllr Tony Ball, will follow in the final report.



Summary of recommendations

Contract Re-procurement

1. Members of the Task and Finish group conclude that the most sensible option for the cabinet member is to renew the contract with Ringway Jacobs for five years, with the caveat that a number of changes are made to current arrangements. These are set out in the recommendations below in the following categories: ongoing scrutiny, maintenance, reporting of defects, customer services and communications and supply chain works.
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Ongoing Scrutiny

3. A working group (hereafter referred to as the Ringway Jacobs and Essex Highways Working Group) should be established to facilitate an ongoing engagement with Ringway Jacobs and ECC Highways officers. This will continue the work of the task and finish group, encouraging member-driven scrutiny looking at procurement, highways policy and overall contract performance. This should meet quarterly. A six-monthly update, presented by the Chairman of this working group, will be delivered to both scrutiny committees. The group will be comprised equally of members from both the Place Services and Economic Growth and Corporate Policy and Scrutiny Committees and operated through current task and finish arrangements.
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17. A single, clearer set of lines of responsibility for informing members of changes to roadworks and reported repairs be implemented which could be written into the Ringway Jacobs contract.

Supply Chain

18. The Cabinet Member should consider the potential for ECC to employ or contract its own independent inspectors to assess the quality of works carried out by Ringway Jacobs parent companies, as well as the wider supply chain. This could be conducted as a sampling exercise, with a KPI associated to ensure that the quality of works remains consistent.
19. ECC needs to more closely oversee larger pieces of supply chain work. The working group should be more engaged moving forward and provided assurances as to the value for money and quality of work provided by third parties.
20. All third parties carrying out work on ECCs behalf should be branded accordingly, explicitly stating that the organisation is representing ECC. The quality and consistency of signage on Essex Highways works also needs to

be greatly improved in terms of the information provided and the expected timescales outlined for completion.

21. The Cabinet Member should explore encouraging Ringway Jacobs to adopt an incentive-based scheme when procuring further works beyond those originally contracted. This could take the form of a ranked preference system as already in operation in authorities such as Leicestershire County Council.
22. ECC should draw more on expertise from within the Supply Chain Forum, collectively determining solutions to local government pressures around efficiency and reputational damage. There need to be mechanisms in place to ensure that these efficiencies are monitored and fed back into the supply chain. The Ringway Jacobs working group should engage with the minutes of these meetings and the Chairman of the Ringway Jacobs working group should be invited to attend Supply Chain Forum meetings.
23. Ringway Jacobs is to be commended for its social value work and commitment to activities beyond those required through the contract, especially with regards to work carried out with the armed forces. ECC should be better at publicising this work. The Cabinet Member should encourage Ringway Jacobs to adopt more internal social value measures, particularly around hiring more apprentices into the Ringway Jacobs workforce. The Cabinet Member might consider adding a KPI determining a minimum expectation (i.e. number of apprentices as a percentage of the overall workforce) into the contract.

I commend this report to the Committees.

Cllr Tony Ball
Member for Wickford Crouch

2. Background

The aim of the group was to provide recommendations and feedback to be taken into account when the Council makes its decision as to whether or not the option of extending the contract for a further five years is implemented.

Membership

At the November meetings of the Corporate Policy and Scrutiny Committee and the Place Services and Economic Growth Committee, it was agreed that this item would be included in both work programmes moving forward and commence with immediate effect, a review of the current Ringway Jacobs highway maintenance contract established a Task and Finish Group.

The full membership of the Task and Finish Group was as follows:

- Councillor Tony Ball, Wickford Crouch
- Councillor Jo Beavis, Halstead

- Councillor Michael Hardware, Harlow West
- Councillor Stephen Hillier, Pitsea
- Councillor David Kendall, Brentwood South
- Councillor Valerie Metcalfe, Buckhurst Hill and Loughton South
- Councillor John Moran, Saffron Walden
- Councillor Ron Pratt, Southminster
- Councillor Anne Turrell, Mile End and Highwoods
- Councillor Carole Weston, Rochford West

At the initial scoping meeting on 17 December 2018, the group agreed Councillor Tony Ball would be the Chairman of the Task and Finish Group.

During this scoping meeting, the group identified four key areas they wished to explore further:

- Key performance indicators (KPI's)
- Perception
- Quality of repairs
- Other authorities.

Evidence base of the scrutiny review

A scoping document (Appendix 1) was agreed during a meeting of the Task and Finish Group on 17 December 2018. Evidence was sought from those identified in the scoping document and those listed below attended as witnesses:

Councillor Kevin Bentley	Deputy Leader and Cabinet Member for Infrastructure
Councillor Lesley Wagland	Deputy Cabinet Member for Infrastructure
Andrew Cook	Director for Highways and Transportation
Peter Massie	Head of Essex Highways Commissioning
Laura Lee	Head of Procurement – Corporate and Place
David Forkin	Head of Maintenance and Operations
Diane Crix	Category and Supplier Relationship Specialist
Mark Godson	Head of Communications, Essex Highways

The Task and Finish Group are content that it has received views and contributions from relevant individuals to undertake this review. The contributions received are highlighted in the section below, which is presented together with recommendations for the Cabinet Member, Councillor Kevin Bentley, from whom the Task and Finish Group invites for a response.

3. Evidence and recommendations

Key evidence

The Task and Finish Group held four formal meetings, during which officers presented and provided information based on the key lines of enquiry identified during the scoping meeting.

Contract Re-procurement/extension

From the offset task and finish group members looked for clarity around the intentions of the Cabinet Member to re-procure, and the readiness for ECC to

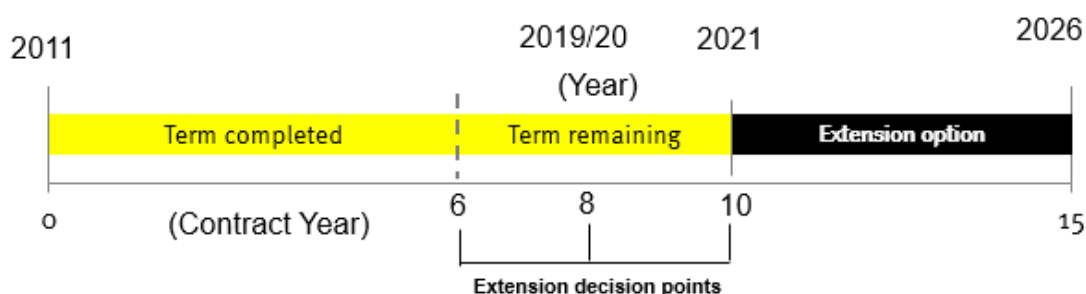
explore an alternative procurement strategy should the task and finish group recommend it.

Officers provided guidance around how a re-procurement exercise might work. The potential options available to ECC moving forward and some background information to inform recommendations.

The current contract was procured in 2011, with ECC accumulating 13 previous contracts and awarding one overarching highways service contract to a wholly joint venture between Eurovia Ltd and Jacobs (Ringway Jacobs). This represents 50% of Ringway Jacobs's business. Annual spend on this service has varied between 78.7m and 154.7m (dependant on the priorities of ECC leadership at the time) split between capital and revenue. The contract is based on actual cost plus arrangements with a fixed percentage profit, and a further corporate overhead, also a fixed percentage, applied to transactions. When completing work through the supply chain as a provider, Ringway Jacobs and its parent companies will apply a joint profit value to ensure that profits are not duplicated and ECC is assured of value for money.

Activities covered by the contract include reactive repairs (footway and carriageway repairs), winter services, white lining, gulley maintenance, capital structure maintenance. Contract mechanisms incentivise performance with deductions for missed KPI's overspends and lost productivity. KPI performance for the last 3 years has been between 94-99%. Over £20m of efficiencies have been delivered since the start of the contract.

The contract timeline is set out in the chart below:



The HST contract provides for a year 8 extension decision, due prior to end March 2020. Extension may be offered beyond the expiry of the original contract term at end of March 2022 for a maximum additional 5 year term

In terms of high level options moving forward, officers outlined 5 potential avenues for exploration. ECC could either:

- A. Extend for 5 years with some change to existing arrangements
- B. Extend possibly not for the full 5 years with some change to existing arrangements
- C. Re-procure with a different model

- D. Re-procure with the same model
- E. Extend for 1 year to allow more time to gather evidence, review options and make time for potential service transformation.

When asked, officers and the Cabinet member displayed a clear preference for option A.

When explored further, members were made aware of potential procurement timelines and the amount of work required for ECC to be in a secure position to undergo a complete re-procurement exercise or to explore alternative methods of managing the highways service (i.e. dynamic purchasing/procurement model, multiple contracts/providers or a new provider with a new contractual arrangement).

Members noted that it was clear through the activity already undertaken in preparation that extension was a foregone conclusion, rather than one of multiple options for potential exploration - some of which might offer a more dynamic and effective highways service. With this in mind, Task and Finish members felt that there was little option other than to move forward with option A. There are, however, a number of areas with which members can envisage significant improvement if the steps outlined throughout this report are taken on board. This begins with a greater involvement of Scrutiny moving forward.

Associated recommendations:

- 24. Members of the Task and Finish group conclude that the most sensible option for the cabinet member is to renew the contract with Ringway Jacobs for five years, with the caveat that a number of changes are made to current arrangements. These are set out in the recommendations below in the following categories: ongoing scrutiny, maintenance, reporting of defects, customer services and communications, and supply chain works.
- 25. Members noted serious concerns regarding the readiness of ECC to re-procure. Within three years, both Place Services and Economic Growth Scrutiny Committee and Corporate Policy and Scrutiny Committee need to be satisfied that ECC is in a secure position to re-procure, with a clear place for scrutiny factored into the timeline.

Ongoing Scrutiny

- Members agreed that, moving forward, a greater role for scrutiny should be factored into re-procurement conversations. It was noted that the work of the Task and Finish group had yielded a great amount of information, and opened avenues of inquiry far beyond what was possible with the timeframes allowed for this initial piece of work. It was agreed that continuing member input should take the form of a working group (hereafter referred to as the Ringway Jacobs/Essex Highways Working Group). This should be used as a means by which to facilitate an ongoing engagement with Ringway Jacobs and ECC Highways officers. This will continue the work of the task and finish group, encouraging member-driven scrutiny looking at procurement, highways policy and overall contract performance. The Task and Finish group agreed that the working

group should meet quarterly in order to properly cultivate a regular and meaningful dialogue with key stakeholders

- Members discussed the KPI process with officers and the method with which KPIs are reviewed annually, with some removed and some introduced. Officers advised that, prior to the start of each contract/financial year, a review exercise of performance against contract measures is undertaken by officers and the Cabinet Member where potential changes to measures and targets are explored. This is influenced by previous performance, changes in policy/procedures/legislation, new ways of working and value for money. Officers asserted that the collaborative contract allows for a more dynamic approach to KPIs, with both parties working constructively to ensure that expectations are both ambitious and fair.
- Officers used the example of the KPI SC5/CP07. This relates to the percentage of public rights of way that are easy to use. In year one of the contract this was set at 75%. Due to re-evaluated funding for this particular area of focus, the KPI was reduced to reflect reductions in investment.
- As can be seen below, in years 2 and 3 of the life of the contract the target dropped to 57% and in year 4 dropped further to 54%. In response to this, RINGWAY JACOBS proposed an updated methodology which would make the results of the survey against which the KPI was measured fairer – for example, if a fingerpost was missing from a route, only that section of the route ‘failed’ rather than the whole route, so 250m might fail, rather than the whole route of 1200m.

SC5/CP07

Yr1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7
75%	57%	57%	54%	56%	65%	65%

- Members agreed that it would be useful to involve scrutiny members more closely in the annual review process to ensure that KPIs more accurately reflect local need
- Officers did note the cost implications of introducing new KPIs. Any new contract expectations would have to be properly benchmarked and incentivised through new KPI arrangements
- There is a contractual requirement that allows ECC to monitor KPI's
- KPI's that are not met at the end of the year result in a profit reduction for Ringway Jacobs
- Those KPI's that are not met are subject to an improvement plan
- KPI's are set on annual basis and any changes are agreed and signed off by the relevant Cabinet Member
- After year 3, the total number of KPI's were streamlined as they were judged by ECC to overlap each other and/or were not relevant
- Comparisons to other County Council KPI's has been considered – with Bucks CC. Works delivered and productivity etc is benchmarked against other Ringway Jacobs contract (Cheshire East, Bucks CC, Central Bedfordshire, London Highway Alliance)

- Some of the KPI's are annual measures rather than percentages and the outcome will not be known until May 2019
- If any KPI's remain red for two consecutive months, Ringway Jacobs must present an improvement plan to ECC showing how this will be rectified, which is reported to the Essex Highways board. The Cabinet Member is informed of such occurrences on a quarterly basis
- Members were quick to commend the Cabinet Member on the success of the 'buddy system' and the positive impact of this upon Member relationships with Essex Highways. Similarly, members were impressed with the work currently taking place to open up the Local Highways Panels (LHPs) to greater public involvement. It was agreed that this represented a significant step in the right direction, albeit with considerable room for improvement in future. It was noted, however, that greater work could be done to ensure that members are more directly informed of work in their local area, with access to new forms of scrutiny beyond formal committee work
- The Task and Finish group were impressed with the extent of benchmarking work that has already taken place with regards to preparing ECC for future conversations around procurement and market alternatives.
- Members were left with the impression that they had only touched the surface of this particular strand of work and agreed that this could be an area for the working to take forward.

Associated Recommendations

1. A working group (hereafter referred to as the Ringway Jacobs/Essex Highways Working Group) should be established to facilitate an ongoing engagement with Ringway Jacobs and ECC Highways officers. This will continue the work of the task and finish group, encouraging member-driven scrutiny looking at procurement, highways policy and overall contract performance. This should meet quarterly. A six-monthly update, presented by the Chairman of this working group, will be delivered to both scrutiny committees. The group will be comprised equally of members from both the Place Services and Economic Growth and Corporate Policy and Scrutiny Committees and operated through current task and finish arrangements.
2. The annual review of KPI's that are presented to the Cabinet Member should also be presented to the Place Services and Economic Growth Policy and Scrutiny Committee and the Corporate Policy and Scrutiny Committee for further review.
3. The Ringway Jacobs Working Group will continue the benchmarking work of this committee, exploring the work of other highways authorities.
4. The cabinet member is to be commended for improvements in the quality of relationships between members and Ringway Jacobs officers. This is due, in large, to the success of the 'buddy system'. Member relationships with regards to local pieces of work however, could be improved. There should be a mechanism put in place for direct scrutiny of specific contract elements or pieces of work, even if this simply involves the local member being consulted upon request. This could be through an enhanced version of the 'buddy' system already in operation.

Supply Chain

- Not all highways work is undertaken by Ringway Jacobs. The majority of it is completed by supply chain partners. These pieces of work are awarded according to usual ECC tendering processes.
- Essex Highways monitor the quality of works carried out by the supply chain. If a defect is identified within the first year, Essex Highways would repair it
- Some contractors offer financial compensation instead of repairing the defect(s). If they do repair it, no cost is born by ECC or Essex Highways
- Independent inspectors - The inspection regime is not set out in the contract, but KPIs around maintenance are. The criteria for intervention is owned by ECC as part of the maintenance strategy and ECC sets out the resource for repairs. If ECC sets out a more austere or strict funding model, then the contract KPIs will adjust to meet this. Greater integration of ECC and Ringway Jacobs staff has led to a more effective inspection/follow through process
- Essex Highways operates its own inspectors who will quality assure and inspect a random sampling of repairs per year. Last year, 213 spots were inspected with only 2 failures. On top of this, routine audits were carried out periodically as part of a desktop exercise to ensure quality
- Members discussed the importance of hiring internal ECC inspectors and the impact of this in a 'collaborative' contractual environment.
- The committee commended ECC on the quantity of work provided through the supply chain to local Essex small maintenance and engineering businesses. Quality of utilities works is price driven. When large companies carry out work they do so according to a budget. This often drives down the quality of final works. Smaller companies often carry put work to a superior quality at a more affordable price
- Members of the task and finish group discussed the potential for the working group to be more involved when it comes to larger pieces of work. It was agreed that greater scrutiny and oversight could help to ensure value for money and quality of works completed
- The Task and Finish group received evidence around the quarterly Ringway Jacobs supply chain forum. Members were interested to hear of the outcomes of meetings that had taken place throughout 2018/19. Around 70 delegates from the national Ringway Jacobs supply chain attend, representing hundreds of millions of pounds of annual work. Here, they receive corporate training and receive presentations on issues such as H&S, Social Value, Work Programmes, Supply Portal; Processes e.g. finance Road Safety, Technology, and Environment. ECC currently attends and presents where it is seen as appropriate. Delegates also take part in 'efficiency workshops' to help determine more effective and joined up ways of working. Suggestions have previously included:
 - Longer contracts – at least 4 years, continuity of work.
 - Better scheduling – by areas, even level of work
 - Utilise local resource

- Better communication and early engagement at all stages including upfront on task, design, pre site investigation, specification review
 - Sponsorship (road names, roundabouts)
 - 1% of turnover into a community fund for a local community project throughout the year
 - Longer lasting treatments less SMA more HRA
 - Micro-LED in depots. Possible for works too
 - Different contract option, i.e. SOR based rather than Target Cost or Fixed Cost
 - Greater collaborative work: - Learning lessons, closer working with supply specialism, and better use of surplus material.
- Members agreed that it would be beneficial for ECC to draw more on the expertise within through the Supply Chain Forum, collectively determining solutions to local government pressures around efficiency and reputational damage

Associated recommendations

1. The Cabinet Member should consider the potential for ECC to employ or contract its own independent inspectors to assess the quality of works carried out by Ringway Jacobs's parent companies, as well as the wider supply chain. This could be conducted as a sampling exercise, with a KPI associated to ensure that the quality of works remains consistent.
2. ECC needs to more closely oversee larger pieces of supply chain work. The Essex Highways Working Group should be more engaged moving forward and provided assurances as to the value for money and quality of work provided by third parties.
3. All third parties carrying out work on ECC's behalf should be branded accordingly, explicitly stating that the organisation is representing ECC. The quality and consistency of signage on Essex Highways works also needs to be greatly improved in terms of the information provided and the expected timescales outlined for completion.
4. The Cabinet Member should explore encouraging Ringway Jacobs to adopt an incentive-based scheme when procuring further works beyond those originally contracted. This could take the form of a ranked preference system as already in operation in authorities such as Leicestershire County Council.
5. ECC should draw more on the expertise within through the Supply Chain Forum, collectively determining solutions to local government pressures around efficiency and reputational damage. There need to be mechanisms in place to ensure that these efficiencies are monitored and fed back into the supply chain. The Essex Highways Working Group should engage with the minutes of these meetings and the Chairman of the Ringway Jacobs working group should be invited to attend Supply Chain Forum meetings.
6. Ringway Jacobs is to be commended for Social Value work and commitment to works in this area beyond those required through contract, especially with regards to work carried out with the armed forces. ECC should be better at publicising this work. The Cabinet Member should encourage Ringway Jacobs to adopt more internal social value measures,

particularly around hiring more apprentices into the Ringway Jacobs workforce. The Cabinet Member might consider adding a KPI determining a minimum expectation (i.e. number of apprentices as a percentage of the overall workforce) into the contract.

KPI's

- There is a contractual requirement that allows ECC to monitor the KPI's
- KPI's that are not met at the end of the year result in a profit reduction for Ringway Jacobs
- Those KPI's that are not met are subject to an improvement plan
- KPI's are set on annual basis and any changes are agreed and signed off by the relevant Cabinet Member
- After year 3, the total number of KPI's were streamlined as they were judged by ECC to overlap each other and/or were not relevant
- There is a performance framework in place which is administered by a small team within ECC. This does not allow independent checks on the ground – this is completed by the Essex Highways inspections team
- Not all highway work is undertaken by Ringway Jacobs. The majority of it is completed by supply chain partners. The usual ECC procurement process is applied – obtaining three quotes etc
- Essex Highways monitor the quality of works carried out by the supply chain. If a defect is identified within the first year, Essex Highways would repair it
- Some contractors offer financial compensation instead of repairing the defect(s). If they do repair it, no cost is born by ECC or Essex Highways
- Following a restructure, the element of double handling the quality checking of works was removed
- Works delivery is outside the scope of the contract. Only the design, justification and funding are within the remit of the contract
- Good schemes are dependent on the quality of the design work – this can have a big implication to ECC in terms of cost
- There are two parts to the contract:
 - Core contract: directly procured as part of the contract
 - Optional elements: can use Ringway Jacobs but do not have to. This does not impact the core contract
- Setting a timeframe for all repairs can result in a lesser quality of work. Grouping repairs into one area is more cost effective than repairing individual defects (e.g. street lights) in different parts of the County
- Ringway Jacobs do challenge the KPI's and recommend the target needs reviewing, mainly because of funding cuts imposed by ECC
- In terms of gulley clearance works, this is jointly agreed by ECC and Ringway Jacobs are specifically told where to go. There is an ad-hoc jetting crew that attends all non-routine work. It is difficult to have a meaningful KPI that measures this
- There have been no health and safety RIDDOR incident in the last 12 months
- There are no KPI's in place that measures Ringway Jacobs customer service

- As well as KPI's, productivity, efficiency and staffing measures are used to monitor the performance of the contract
- More detail will be provided on the methodology used under KPI MI6. This is linked to the annual survey and is dependent on different parts of the County
- Highway depots are generally in urban areas. Issues are more likely to be grouped together rather than rural areas. Centralising depots would be more efficient but there would be an increase in travelling time – productivity vs efficiency
- KPI A18 (% of make safes on high priority repairs to bridges completed within 24 hours) was removed as this was a duplicate of a current KPI
- Comparisons to other County Council KPI's has been considered – with Bucks CC. Works delivered and productivity etc is benchmarked against other Ringway Jacobs contract (Cheshire East, Bucks CC, Central Bedfordshire, London Highway Alliance)
- Some of the KPI's are annual measures rather than percentages and the outcome will not be known until May 2019
- If any KPI's remain red for two consecutive months, Ringway Jacobs must present an improvement plan to ECC showing how this will be rectified, which is reported to the Essex Highways board. The Cabinet Member is informed of such occurrences on a quarterly basis
- Weather critical works are completed during the summer months (e.g. 90% of carriageway resurfacing). Civil based works are completed during the colder months and drainage works are unaffected by weather and therefore completed during the winter months
- The 'Top 20' defect lists will not impact on the KPI's. This work was an additional resource which took on an additional workforce. Reviews are carried out on the works completed under this project
- KPI's MI1 – MI6 are not related to profit and therefore no penalties are applied if they are not met. The Cabinet Member specifically asked for a corporate performance report which is not linked to the profit related KPI's
- Challenges are put forward from both ECC and Ringway Jacobs if KPI's are thought to be unrealistic/unachievable
- The KPI's are reviewed based on the overall quality of the works carried out
- ECC are asking other companies to deliver similar work that Ringway Jacobs undertakes so there can be a direct comparison which will be used when the final decision on the contract extension is made
- There is a constant process of identifying new KPI's but there has to be a degree of consistency to identify comparisons
- ECC have not explored Kent CC's KPI's as they have a different type of highway to contract to ECC
- East Sussex has a similar model in terms of their highway contract. It is not with Ringway Jacobs but they only have 25 KPI's
- Regardless of the cost to either renew or re-procure, in five years' time ECC will have to undertake a full procurement process again so the cost will either be incurred now or then.

Quality of repairs

- Officers noted that ECC employs a fairly expansive team of highways inspectors who monitor and inspect according to set patterns. They record and raise defects as and when they occur
- When carrying out an inspection officers record the defect, check the severity of impact and nature of the damage, the rate of interaction and then apply a risk assessment and timeline for completion of works
- The impact of the defect outlines the imminent threat of damage and the size/shape/depth of the defect and position in the road. Following questions, members were assured that this would take into account the size/width of the road – thinner roads would incur a higher impact score. Members were further assured as to the consistency of approach, allowing for a fair triaging of potentially hazardous defects across the county
- Members noted that it would be useful if the above table and allocated score were made available to the public at the time of triage, with updates available online upon enquiry. This would provide greater assurance as to the timescale of works involved. It was also noted that it would be useful if greater education around this were made available to members, allowing for more effective communication between local representatives and residents
- Members discussed the effectiveness of the ranking system altogether. It was noted that this was potentially outdated. Officers acknowledged that a pipeline of work could be developed to explore the feasibility of reviewing this system
- Officers noted emerging technologies to aid in effective early intervention strategies to improve the quality and expediency of repair work. This was described very much as a future prospect however. Officers were keen to assert that work with Ringway Jacobs allowed for greater opportunities for innovation and development due to the size of the organisation and the scope of RINGWAY JACOBS's 'reach' and resources. This would reportedly not be an option if ECC explored multiple smaller contracts or chose to innovate using in-house resources
- Members also noted previous T&F conversations around 'criteria' for repairs and discussed the potential for this also to be reviewed as part of ongoing conversations
- If we see highways maintenance as a spectrum from asset based focus -> customer responsivity we have tended to be more ABF. We are moving more to a compromise now under current leadership.

Inspection regime

- The inspection regime is not set out in the contract, but KPIs around maintenance are. The criteria for intervention are owned by ECC as part of the maintenance strategy and ECC sets out the resource for repairs. If ECC sets out a more austere or strict funding model, then the contract KPIs will adjust to meet this. Greater integration of ECC and Ringway Jacobs staff has led to a more effective inspection/follow through process
- Essex Highways operates its own inspectors who will quality assure and inspect a random sampling of repairs per year. Last year, 213 spots were inspected with only 2 failures. On top of this, routine audits were carried out periodically as part of a desktop exercise to ensure quality

- Members discussed the importance of hiring internal ECC inspectors and the impact of this in relation to the nature of a 'collaborative' contract.

Maintenance of road signage and street furniture

- This rests in the same area of the KPI's as the rest of maintenance. However, the budget for signage maintenance is so strict that only 'safety critical' signage is replaced i.e. a 'bend warning' sign would receive greater priority than basic direction signage.

Reporting of defects

- It was further noted that greater information was required as to the ratio of defects recording by the public and those recorded by inspectors. This would allow for a greater understanding of resource allocation and sustainability of service, alongside investment in new detection technology solutions
- Members discussed with officers the efficiency of standard inspection techniques, led by inspectors. Members asked whether it would be more effective to simply allow for a wholly customer led reporting system with all resources driven into maintenance. This was noted by officers, but it was agreed that to do so would not provide a wholly representative, impartial representation of defects and would not allow for effective triaging of repairs
- Members noted the discussion around reporting tools and agreed that this should be explored further at a later meeting.

'Make safes'

- Members discussed the make safe process and temporary repairs. Officers outlined the timelines expected to ensure a permanent repair and outlined variances in relation to overall probability/impact score.

Relationships with local businesses

- The committee commended ECC on the quantity of work provided through the supply chain to local Essex small maintenance and engineering businesses. Quality of utilities works is price driven. When large companies carry out work they do so according to a budget. This often drives down the quality of final works. Smaller companies often carry put work to a superior quality at a more affordable price.

Utilities repairs

- Members discussed warranty arrangements when utilities organisations carry out work on Essex Highways. Members agreed that this was an area for further conversation

Materials used in repair work

- Members discussed the potential for innovation in relation to repairs work carried out by RINGWAY JACOBS. This was discussed specifically in relation to innovations such as recycled plastic road patching

- Officers were keen to assert the importance of remaining cynical until breakthroughs are tested effectively and are assured as safe. That being said, great amounts of work is done to ensure that materials used are not outdates.

Cyclists and walkers

- Inspectors are trained to pick up on whether or not cyclists will be affected by defects. Greater innovation could include getting more immersed in swerve data (how often cars have to swerve to avoid cyclists). This is a work in progress
- Overgrowth and vegetation on footpaths are not considered as a 'priority' in the same way as other defects (potholes etc.) under the current maintenance strategy
- Officers were also asked about whether investing in data from Apps such as 'STRAVA' would help in data gathering. Officers were sceptical as to the worth of this.

Perception

- It was agreed that originally there was a real push and genuine logic behind prioritising major roads to improve quality. Now that these are in a good state of repair there was an acknowledgement from the cabinet member that a reprioritisation was necessary to focus on urban and rural roads. It was noted that this would go a long way to redressing perception imbalances within remote communities. The 2019/20 contract period would focus largely on local roads and footways.
- When the contract was drawn up it was noted that an active decision was made to maintain control of communications. While no processes are currently in place it was claimed that the contract would allow for responsibility for communications to formally pass to RINGWAY JACOBS. Cllr Wagland asserted that this could go a long way to reducing current disconnects between Ringway Jacobs, ECC and members. Potentially a more joined up approach was necessary in the long term, with a joint responsibility for public facing communications would be more prolific.
- Members were largely positive regarding the 'buddy system' – building on the good work of the previous local area offices approach and providing dedicated support. Largely however, members noted a distinct communications void between Ringway Jacobs, Essex Highways and members. It was noted that this would need to be addressed in order to cultivate a more effective partnership moving forward.
- Members were largely positive about changes to local highways panels, making them more open and transparent. It was agreed that further work should be undertaken to open these to the public more effectively to reduce disconnect between Essex highways and the public. It was also noted that often the output from these in terms of reports were often not particularly accessible with regards to costings, staffing costs etc.
- Members engaged in discussion around what processes were in place to inform them as local members, as well as members of the public regarding planned work and timescales. It was acknowledged that the 'roadworks' system is not particularly accessible/user friendly and is rarely up to date.

Many members also raised concerns regarding the quality and depth of communications. There is rarely clarity around the scope of the repair (temporary/permanent), timings of work, and potential delays.

- Members noted the reputational damage to ECC when repairs go wrong. Members of the public do not distinguish between Ringway Jacobs and ECC. It was further noted that when distinctions are made, the conclusion drawn was almost always negative with members of the public assuming that all poor highways work was completed by Ringway Jacobs. This is simply not the case, witnesses claimed, with the vast majority of non 'big-ticket' works completed by subcontractors on behalf of, and managed by Ringway Jacobs. Members noted that Ringway Jacobs was ultimately responsible for poor works due to their project management and quality assurance role.
- It was noted by witnesses that ECC systems are not adequate in accepting reports of issues and articulating the timing of work being carried out when notifying local residents.
- Witnesses acknowledged that ECC had little control over external organisations and work being carried out on their behalf. It was agreed that more work could be done to liaise effectively with utility companies to ensure that repairs were not delayed and problems were resolved effectively and expediently.
- Witnesses noted that ECC had an excellent record disputing insurance claims. This was largely due to the holistic approach employed by the courts. So long as ECC can display that a reasonable level of routine maintenance is in place then it cannot be held liable for individual accidents related to highways disrepair
- Members noted that, while the buddy system works well, the frustration is with partners and external organisations. The site www.roadworks.org is great but oftentimes is not effective or up to date. It is difficult to get the good news out there amongst the poor perception
- Members discussed the worth of investing large amounts of money in a communications campaign to improve the quality and quantity of material released to the public. It was noted that this would be a balancing act. To make any notable difference this would require a significant amount of money – which could arguably be better spent reinvesting into the system. It was agreed that this would be the subject of further investigation
- Members expressed frustration at the sole focus on highways. It was noted that greater esteem be given to footways and cycle paths
- Members expressed frustration at the speed and quality of streetlight repairs. Officers discussed the grouping prioritisation formula Ringway Jacobs adopted to determine the timing of repairs.

4. Appendices

Appendix 1

Essex County Council Place Services and Economic Growth Scrutiny Committee and the Corporate Policy and Scrutiny Committee	
WHAT ARE WE LOOKING AT?	
Review Topic	Ringway Jacobs contract renewal
Type of Review	Joint Task and Finish Group
WHY ARE WE LOOKING AT THIS?	
Rationale for the Review	Following agreement from the Chairman of the Place Services and Economic Growth Policy and Scrutiny Committee and Corporate Policy and Scrutiny Committee, a joint Task and Finish group has been established to investigate renewal of the Ringway Jacobs highways maintenance contract.
HOW LONG IS IT GOING TO TAKE?	
Timescales	Four month review with final report submitted to a joint committee (with members from both Place Services and Economic Growth Policy and Scrutiny Committee and Corporate Policy and Scrutiny Committee) for approval on the 18 April 2019.
Provisional Timetable	17 December 2018 – 18 April 2019
WHAT INFORMATION DO WE NEED?	
Aim	The aim of this piece of work is to review current highways contractual performance and to make recommendations to the Deputy Leader and Cabinet Member for Infrastructure ahead of renewal with Ringway Jacobs in November 2019.

<p>Key Lines of Enquiry</p>	<p><u>KPI's</u></p> <ul style="list-style-type: none"> - The reason for the reduction in the amount of KPI's set (115 down to 56) - An explanation of what the percentages mean and how they relate to performance (Appendix A) - KPI's (Appendix A) changed to a RAG grading so it shows which targets are/are not currently being met - An explanation around KPI's MI1 – MI3 - Investigate whether extreme weather has affected performance - Understand the mechanisms in place to ensure that KPI's are adaptive to changing needs and circumstances - Explore whether any further KPI's are required <p><u>Other Authorities</u></p> <ul style="list-style-type: none"> - Explore how similar sized local authorities manage their highway maintenance contract – Kent County Council - Explore whether other authorities who use Ringway Jacobs are satisfied with the service they are receiving – Central Bedfordshire, Cheshire East, London Highways Alliance - Identify the changes that Cheshire East made to their contract Ringway Jacobs <p><u>Quality of repairs</u></p> <ul style="list-style-type: none"> - Explore the detail behind the repairing defects at the first attempt - An explanation on the definition of a temporary repair - Explore the new/different ways of repairing highway defects - Explore the focus of repairs i.e. local roads, footpaths etc - Impact extreme hot and cold weather has on operations - Explanation of the fault repair process from reporting/identification through to inspection and rectification, including timescales and risk assessment process <p><u>Perception</u></p> <ul style="list-style-type: none"> - Explore the differences between public perception of how the contract is performing against ECC's/Ringway Jacobs perception <p><u>General</u></p> <ul style="list-style-type: none"> - The Essex contract makes up 50% of Ringway Jacobs business. What does the other 50% include? - Is there a communications strategy included in the contract? - An explanation from the Cabinet Member on the current highway maintenance focus (local roads, footpaths) - An explanation on the current inspection regime - Explore whether the current partnership driven contractual arrangements preferable to a more traditional, adversarial contract
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	<ul style="list-style-type: none"> - Explore whether there is anything specific the Cabinet Member wishes the Task and Finish Group to explore
What primary/new evidence is needed?	<ul style="list-style-type: none"> - The current Ringway Jacobs contract - The current KPI's within this contract - ECC press releases
What secondary/ existing information is needed?	<ul style="list-style-type: none"> - Information on the types of enquiries received from Members, MP's and members of the public relating to highways (Member Enquiries, Customer Enquiries) - The types of queries reported via the online Tell Us About Something tool
What briefings and site visits might be relevant?	Members were interested to see how highway maintenance repairs were carried out
Other work being undertaken/Relevant Corporate Links	None.
What is inside the scope of the review?	All aspects relating to highway maintenance in line with the current Ringway Jacobs contract.
What is outside the scope of the review?	Passenger Transport – unless it pertains specifically to interactions with wider highways planning.
WHO DO WE NEED TO CONTRIBUTE/CONSULT? (INITIAL MEETING TO ESTABLISH THIS)	
Relevant Portfolio Holder(s) and other Member involvement	<ul style="list-style-type: none"> - Councillor Kevin Bentley, Deputy Leader of the Council and Cabinet Member for Infrastructure - Councillor Lesley Wagland, Deputy to the Cabinet Member for Kevin Bentley
Key ECC Officers	<ul style="list-style-type: none"> - Andrew Cook, Director Highways and Transportation - Peter Massie, Head of Commissioning Essex Highways - Laura Lee, Category and Supplier Lead
Partners and service users	County Authorities who also use Ringway Jacobs (Buckinghamshire, Central Bedfordshire, Cheshire East and London Highways Alliance.)
WHAT RESOURCES DO WE NEED?	
Lead Member and Membership	Councillor Stephen Hillier Councillor David Kendall Councillor Jo Beavis Councillor Valerie Metcalfe Councillor Michael Hardware Councillor John Moran Councillor Ron Pratt Councillor Anne Turrell Councillor Carole Weston Councillor Tony Ball (Lead Member)

Co-optees (if any)	None.
Lead Scrutiny Officer/Other	Richard Buttress, Democratic Services Manager Peter Randall, Senior Democratic Services Officer
Expected Member commitment	A maximum of 7 meetings to be held between December 2018 and April 2019, as set out below.
WHAT ARE THE RISKS/CONSTRAINTS?	
Risk analysis (site visits etc.)	Risk management form to be completed if any site visits are included as part of the review.
Possible constraints	
WHAT WILL BE REQUIRED FROM STAKEHOLDERS?	
Internal stakeholders	<ul style="list-style-type: none"> • Time to attend Task and Finish Group evidence sessions • Information and advice • Communications for any potential press release following the review • Legal/contractual advice
External stakeholders	<ul style="list-style-type: none"> • Time to attend Task and Finish Group evidence sessions • Written evidence
WHO ARE WE DIRECTING ANY RECOMMENDATIONS AND ACTIONS TO?	
Recommendations to (key decision makers):	Councillor Kevin Bentley, Deputy Leader of the Council and Cabinet Member for Infrastructure
Reporting arrangements	Task and Finish Group final report to be presented to the full joint Committee for a response from the relevant Cabinet Member on Thursday 18 April 2019.
Follow-up arrangements	<p>The final report should be responded to by the cabinet member in the usual way, as set out in the 'Protocol for Working Arrangements Between the Cabinet and Overview and Scrutiny Committees' as agreed at Full Council in October 2013.</p> <p>A follow up item will be scheduled for each committee separately in October 2019 to review uptake of, and progress against agreed recommendations.</p>
ADDITIONAL INFORMATION/NOTES	

Meeting dates	<u>January 2019</u> Monday 14 January 2019 Monday 21 January 2019 <u>February 2019</u> Monday 11 February 2019 Monday 18 February 2019 <u>March 2019</u> Monday 11 March 2019 Monday 18 March 2019 <u>April 2019</u> Monday 1 April 2019
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