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Chief Executive

CABINET AGENDA

Date: **Wednesday 19th June 2013**

Time: **7.00pm – N.B. TIME**

Venue: **Council Chamber**

This meeting will be webcast live on the internet.

Membership:

Councillor Mrs Challis OBE (Chairman)	Leader of the Council
Councillor Stanley (Vice Chairman)	Deputy Leader of the Council Corporate Policy, Resources and Performance
Councillor Burch	Leisure
Councillor Dick	Responding to Challenge
Councillor Mrs B. Egan	Homes and Customer Engagement
Councillor Mrs Goodwin	Health & Wellbeing
Councillor Howard	Waste Floods and Water Management
Councillor G. Isaacs	Neighbourhoods and Safer Communities
Councillor Riley	Environment and Street Scene
Councillor Smith	Economic Development & Business Liaison

Cabinet Enquiries:
Reference:
Publication Date:

John Riley, ext. 2417
1/2013/2014
Tuesday 11th June 2013

AGENDA
PART I
(Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

To approve the Minutes of the meeting held on 17th April 2013

4. Forward Plan

To review the Forward Plan - *(Report of the Leader of the Council)*

5. Environment - Civic Pride

5(a) Control of Major Accident Hazard (COMAH) Sites

This report is presented to Cabinet following a request made at the last meeting.

(Report of the Cabinet Member Waste Floods and Water Management)

5(b) Disabled Facilities Grant Policy Review

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Health & Wellbeing)

5(c) Westwood Management Plan Update 2012/13

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Leisure)

6. Regeneration and Homes

6(a) New Local Plan – Progress Report

The Cabinet will be asked to consider a report.

(Report of the Leader of the Council)

6(b) The Deanes School – Essex County Council Consultation

The Cabinet will be asked to consider a report on Essex County Council's formal consultation on proposals to close the school.

(Report of the Leader of the Council)

6(c) Lower Thames Crossing Options Consultation

The Cabinet will be asked to consider a report on the consultation being under taken.

(Report of the Leader of the Council)

7. Improving the Council

7(a) Corporate Performance Scorecard Quarter 4 2012/13

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Responding to Challenge)

7(b) Newport Paper Company Ltd – Contract for provision of a material recycling centre for kerbside comingled waste collection

The Cabinet will be asked to consider a report.

(Report of the Cabinet Members Corporate Policy Resources and Performance; Waste, Flood and Water Management)

8. Community Safety

8(a) Update on Community Safety

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Neighbourhoods and Safer Communities)

9. Matters to be referred from /to Policy & Scrutiny Committees

10. Matters to be referred from /to the Statutory Committees

PART II

(Business to be taken in private)

(Item to be considered with the press and public excluded from the meeting)



CABINET

17TH APRIL 2013

PRESENT:

Councillor Mrs Challis, OBE	Leader of the Council (Chairman)
Councillor Stanley	Corporate Policy, Resources and Performance
Councillor Mrs Egan	Homes and Customer Engagement
Councillor Mrs Goodwin	Leisure and Community Wellbeing
Councillor Howard	Waste, Floods and Water Management
Councillor Isaacs	Neighbourhood & Safer Communities
Councillor Riley	Environment and Street Scene
Councillor Smith	Economic Development & Business Liaison

APOLOGIES: There were none.

ALSO PRESENT: Councillors Hart, Ladzrie and N.Watson.

109. MEMBERS' INTERESTS

Councillor Riley disclosed a non-pecuniary interest in item 5(a) as a Member of Essex County Council.

110. MINUTES

The Minutes of the Cabinet meeting held on 20.3.2013 were approved and signed by the Chairman as a correct record.

111. FORWARD PLAN

To comply with regulations under the Local Government Act 2000, the Leader of the Council presented the Forward Plan to the meeting which outlined key decisions likely to be taken within the next quarter 2013. The plan was reviewed each month.

Councillor Howard took the opportunity to request that the County Council's scrutiny report on Control of Major Accident Hazard (COMAH) sites be included in the Forward Plan for discussion by the Cabinet at a future meeting.

Resolved – To note and approve the Forward Plan.

112. LETTING OF GROUNDS MAINTENANCE & STREET CLEANSING CONTRACT

The Cabinet received a report on the tender evaluation process undertaken for the new Grounds Maintenance and Street Cleansing Contract/s and seeking approval to award a new contract.

The Leader of the Council indicated that supporting information for members was contained in the private business section of the agenda, but that it was intended that the decision on the award of the contract would be taken in the public session.

Resolved:

1. To note the procurement process that has been undertaken;
and
2. To note the outcome of evaluation of the bids; and
3. Subject to compliance with the Standstill Period pursuant to the Public Contracts Regulations 2006 and no legal challenge being received, agrees to award the contract for the Grounds Maintenance and Street Cleansing Contract to Pinnacle PSG for an initial period of five years

113. HOUSING PROGRESS REPORT

The Cabinet received a progress report for the Housing Service for the quarter ending 31 March 2013.

Resolved:

To note the progress and achievements for the last quarter period and to request officers to provide future quarterly progress reports.

114. UPDATE ON REGENERATION MATTERS

The Cabinet received a report on the strategic initiatives underway during the first quarter of 2013, as well as those activities which support local businesses in Castle Point.

Councillor Mrs Goodwin advised that for a short period whilst Waterside Farm Leisure Centre would be closed at the end of the refurbishment period, arrangements had been made to accommodate the fitness suite and all classes at The Paddocks.

Resolved:

To note the progress underway on these initiatives and to request that a further update report is made to the Cabinet for the next quarter.

115. 1998 ADOPTED LOCAL PLAN – NATIONAL PLANNING POLICY FRAMEWORK (NPPF) CONFORMITY CHECK

The Cabinet received a report on work undertaken on a National Planning Policy Framework (NPPF) Conformity Check of the 1998 Adopted Local Plan.

Councillor Smith responded to a statement by Councillor N Watson advising the Member to meet with officers to explain his concerns on the conformity check process.

Resolved:

To note the work undertaken on a NPPF Conformity Check of the 1998 Adopted Local Plan, and to request the Development Control Service, and the Development Control Committee to have regard to it when making decisions in relation to planning applications.

116. REGULATION OF INVESTIGATORY POWERS ACT 2000 (“RIPA”) POLICY AND PROCEDURES

The Cabinet considered a report on proposed amendments as required by Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“Order”) to the Council RIPA Policy.

Resolved:

To approve the RIPA policy as amended.

117. CORPORATE PERFORMANCE SCORECARD QUARTER 3 2012/13

The Cabinet received a report on cumulative performance figures for the Corporate Performance Scorecard for quarter 3, 1 April to 31 December 2012.

Resolved: To note the performance issues set out in section 5 of the report.

118. ANTI FRAUD AND CORRUPTION, WHISTLEBLOWING AND ANTI MONEY LAUNDERING POLICIES AND STRATEGIES

The Cabinet considered a report on updated Anti Fraud and Corruption, Whistleblowing and Anti Money Laundering Policies and Strategies.

Resolved: To approve the Anti Fraud and Corruption Policy and Strategy, the Whistleblowing Policy and the Anti Money Laundering Policy and Strategy.

119. ANNUAL REFRESH OF KEY STRATEGIES (RESOURCES)

The Cabinet considered a report on two key strategies, the Human Resources Strategy and Workforce Plan and the Asset Management Plan.

Resolved: To approve and adopt the strategies referred to in the report.

120. UPDATE ON SAFER COMMUNITIES INITIATIVES

The Cabinet considered an update report on the position concerning neighbourhood and safer community matters.

Resolved:

To note the current position with neighbourhoods and safer community matters as set out in the report.

121. MATTERS TO BE REFERRED FROM/TO POLICY SCRUTINY COMMITTEES

There were no matters.

122. MATTERS TO BE REFERRED FROM /TO THE STATUTORY COMMITTEES

There were no matters.

Chairman



Castle Point Borough Council

Forward Plan

JUNE 2013

CASTLE POINT BOROUGH COUNCIL

FORWARD PLAN

JUNE 2013

This document gives details of the key decisions that are likely to be taken. A key decision is defined as a decision which is likely:-

- (a) Subject of course to compliance with the financial regulations, to result in the local authority incurring expenditure which is, or the savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates subject to a threshold of £100,000; or
- (b) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

The Forward Plan is a working document which is updated continually.

Date	<u>Item</u>	Council Priority	Decision by Council/ Cabinet	Lead Member	Lead Officer(s)
June 2013	<u>Disabled Facilities Grant Review</u>	Regeneration & Homes	Cabinet	Health and Wellbeing	Head of Environment
June 2013	<u>New Local Plan: Update Studies & Evidence</u>	Regeneration & Homes	Cabinet	Leader	Head of Neighbourhoods & Regeneration
July 2013	New Corporate Plan	All	Cabinet	Leader	Head of Performance & Service Support
July 2013	<u>Newport Paper Variation of Contract and approval of use of reserves</u>	Environment Civic Pride	Cabinet	Deputy Leader of the Council Waste Floods & Water Management	Head of Environment
July 2013	<u>Hadleigh Town Centre Master Plan: Report back from PSC</u>	Regeneration & Homes	Cabinet	Leader	Head of Neighbourhoods & Regeneration
July 2013	<u>Homelessness Strategy – for approval</u>	Regeneration & Homes	Cabinet	Homes and Customer Engagement	Head of Housing & Communities
July 2013	<u>Regeneration update</u>	Regeneration & Homes	Cabinet	Leader Economic Development	Head of Neighbourhoods & Regeneration

July 2013	<u>New Local Plan: Evidence Base (Essex Demographic Forecasts Phase 4 and TGSE SHMA Review)</u>	Regeneration & Homes	Cabinet	Leader	Head of Neighbourhoods & Regeneration
July, Sept 2013	<u>Community Safety update</u>	Regeneration & Homes	Cabinet	Safer Communities	Head of Neighbourhoods & Regeneration
July, October 2013	<u>Financial Update</u>	All	Cabinet	Deputy Leader of the Council	Head of Resources
July 2013	<u>Treasury Management End of Year Report</u>	All	Cabinet	Deputy Leader of the Council	Head of Resources
Sept 2013	<u>Policy Framework and Budget Setting</u>	All	Cabinet	Deputy Leader of the Council	Head of Resources
Sept 2013	<u>Statement of Accounts</u>	All	Council	Deputy Leader of the Council	Head of Resources
September 2013	<u>New Local Plan: Evidence Base (Transport Modelling Report and Local Wildlife Site Review)</u>	Regeneration & Homes	Cabinet	Leader	Head of Neighbourhoods & Regeneration
October 2013	<u>New Local Plan</u>	Regeneration & Homes	Cabinet	Leader	Head of Neighbourhoods & Regeneration
October 2013	<u>Regeneration update</u>	Regeneration & Homes	Cabinet	Leader Economic Development	Head of Neighbourhoods & Regeneration
October 2013	<u>Community Safety update</u>	Regeneration & Homes	Cabinet	Leader Economic Development	Head of Neighbourhoods & Regeneration
October 2013	<u>Treasury Management Mid Year Report</u>	All	Cabinet	Deputy Leader of the Council	Head of Resources

CABINET

19th June 2013

Subject: Control of Major Accident Hazard (COMAH) Sites

Cabinet Member: Councillor Howard - Waste Floods & Water Management

1. Purpose of Report

To provide the Cabinet with the outcome of the County Council's scrutiny of off-site emergency planning requirements around Control of Major Accident Hazard (COMAH) sites across Essex.

2. Links to Council's Priorities and Objectives

Community Safety

3. Recommendation

- 1. To refer the Essex County Council's Scrutiny report to the Environment Policy & Scrutiny Committee for examination.**
-

4. Background

At the last meeting of the Cabinet, Councillor Howard requested that consideration is given to the outcome of the County Council's scrutiny of off-site emergency planning requirements around Control of Major Accident Hazard (COMAH) sites across Essex.

5. Proposals

The summary report of the County Council's Safer and Stronger Communities Committee dated February 2013 is attached at Appendix "A" for the Cabinet's consideration. The full report has been placed in the Members Group Rooms.

6. Corporate Implications

There are no corporate implications for the Council. This is a matter for Essex County Council.

7. Timescale for implementation and Risk Factors

This is addressed within the report

8. Background Papers

ECC Scrutiny Report – February 2013

SCRUTINY REPORT ON THE OFF SITE EMERGENCY PLANNING REQUIREMENTS AROUND COMAH SITES IN ESSEX



Report of the Safer and Stronger Communities Committee

(Task and Finish Group of the Economic Development, Environment and
Highways Policy and Scrutiny Committee)

February 2013

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Preface

This report is the culmination of a two-year review by Members of the former Safer and Stronger Communities Policy and Scrutiny Committee on the off-site emergency planning requirements around Control of Major Accident Hazard (COMAH) sites across the county.

It has been an in-depth study drawing upon a variety of methods to gather evidence including visits to COMAH sites, workshops and formal meetings.

It has reassured us that significant safeguards are in place regarding the off-site emergency planning arrangements for COMAH sites in Essex, and that the Essex Civil Protection and Emergency Management Team (ECPEM) is well prepared to deal with the aftermath of any serious emergency in Essex.

While many of the Committee's questions were addressed during the review with information being reproduced in this report, five recommendations have been made to help raise awareness around emergency planning and community resilience matters that will be presented to the Cabinet Member for Communities and Planning.

In the meantime we have been pleased to learn that the ECPEM has already used its engagement with the Committee through the review to inform the way that it has been developing improvements to the way it performs its role.



Councillor Simon Walsh

Chairman of the Economic Development, Environment and Highways, and former Safer and Stronger Communities Policy and Scrutiny Committees

Glossary of Terminology

CA	Competent Authority
CD	Consultation Distance
CEPO	County Emergency Planning Officer
CFO	Chief Fire Officer
COMAH	Control of Major Accident Hazards
COPE	Combiner Operational Procedures for Essex
EA	Environment Agency
ECC or 'the Council'	Essex County Council
ECFRS	Essex County Fire and Rescue Service
ECPEM Team	Essex Civil Protection and Emergency Management Team
EDEHPSC	Economic Development, Environment and Highways Policy and Scrutiny Committee
EFA	Essex Fire Authority
EIR	Environmental Information Regulations 2004
HSE	Health and Safety Executive
IS	Information Services
LA	Local authority
MAPP	Major Accident Prevention Policy
OfSEP	Off-site emergency plan
PA	Planning authorities
PADHI	Planning advice for developments near hazardous installations
PIZ	Public Information Zone
SEAS	Shoeburyness Emergency Alert Service
SLA	Service Level Agreement
SSCPSC or 'the Committee'	Safer and Stronger Communities Policy and Scrutiny Committee

Executive Summary

The opportunity has been taken in this scrutiny report to highlight some key evidence the SSCC has collated on emergency planning and the off site regulation of COMAH sites and, in doing so, through raising awareness provide some reassurance to the public of the activities that take place on an ongoing basis to promote community safety and resilience.

Overall the Committee was very satisfied that there are controls in place to fulfil the off site emergency planning requirements for COMAH sites. Furthermore the broader remit of the Civil Contingencies Act underpins strategic and local need and response for the effective co-ordination and management of major incidents and emergencies that may arise both within Essex and across administrative boundaries.

The Committee was mindful that it is incumbent upon the Council as a corporate body to be effective in its response to emergency situations. While the Essex Civil Protection and Emergency Management (ECPEM) Team had provided evidence to demonstrate how it was seeking to fulfil its role and responsibilities, that Team in turn was reliant upon the support and effectiveness of other teams within the Council. For instance the scrutiny review has highlighted the importance of communications activity to engage the community and other partners in emergency planning activity both in terms of raising awareness of and responding to real live emergencies. While it appeared likely that policies and procedures could be in place to address the 'what if' situation, the critical question was whether or not those procedures could be proven to be effective where an emergency has actually occurred and the information used to update and inform plans where risks have been identified. The recent flooding across Essex and fuel shortages could be used to test how well or otherwise the Council as a corporate body has responded to the problems that arose eg its internal and external communications, and highways responses, as well as its co-ordination with its partner agencies such as the Police and Fire Services. Similarly the Olympic Games generated the need for contingency planning and how effective did those plans prove in practice, and what experience was learned as a result?

Through the review the exemplary work of the ECPEM Team has been highlighted and some of the materials it has produced such as the film on the 'Civil Contingencies Act. Act One' and the 'What if.....' project. However, the Team has been unsuccessful in its attempts over time to have these materials published on the Council's website, and indeed they remain unavailable directly from the ECC website. As part of the review the Committee has been able to raise awareness of these anomalies on behalf of the ECPEM Team, and welcomed the Chief Information Officer's support for resolving the situation. Furthermore Members welcomed his confirmation that the Council would have access to the IT facilities required to enable materials produced by its services to be published on the website, and was looking ahead at the capability to publish interactive/ real time information that could assist in emergency planning matters. While the Committee was mindful of the pressures upon the Council's IT resources and need for improvements, it was

nonetheless considered that priority should be given to supporting services in the provision of high quality information in crucial matters like emergency planning. Although it appeared that emergency planning in Essex was held in high esteem at a national level, in practice its ability to showcase its work was not being supported at a local level through the Council's electronic communication facilities.

Ultimately arising from its investigations the Committee has chosen to pursue the following four recommendations:

General: Recommendation 1

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

Public Communications Good Practice: Recommendation 2

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

Schools Project: Recommendation 3

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

Corporate Services: Recommendation 4

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

Corporate Emergency Planning: Recommendation 5

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

Monitoring Outcomes of scrutiny review: Recommendation 6

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

While the Committee was satisfied that the various evidence it had considered through its scrutiny review confirmed that there was ongoing and proactive activity to support and enhance emergency planning around the operation of COMAH sites in Essex, there were some areas around communication where recommendations could highlight where further support would assist the development of more effective public awareness.

Two reflections from Councillors who took part in the review are set out below:

Councillor Ray Howard -

'I am glad that the County Council has undertaken this scrutiny review to look at top tier COMAH sites following the request I made on behalf of Canvey residents, because of their real concerns about safety at the sites on Canvey Island and close by.

Although I appreciate the huge amount of work that Scrutiny Members have undertaken and sympathy shown to residents when they gave their evidence, I really want to confirm my support for the issues they have raised, and my conviction that their concerns are justified.

I commend the initiatives taken in drawing this Council's attention to the requests from Canvey Island for further safety precautions for our residents and to defend our communities from any disasters. It is recognised that the terminals on the Island are needed to provide the energy that the County and country needs.

I am disappointed that the scrutiny review has not addressed the specific issues of a safe siting policy that Mr Whatley's group is seeking, I understand that COMAH related planning matters are being considered at a national level taking into account the lessons learned from the Buncefield Inquiry.

However, I am pleased that by raising concerns about the regulation of COMAH sites I have caused the Committee to review emergency planning concerns linked to those sites, and it has highlighted the good work that is

taking place in Essex by emergency planning professionals to safeguard our population.'

Councillor Margaret Fisher -

'While reading the report, the main thing that leapt out to me were the references to communication, community resilience and alleviation of fears.

We know from other scrutinies that it is often the fear of possibilities and the perception of danger that comes to the surface, ie the pilot switching off of some street lights in Maldon and Uttlesford Districts, where there was a clear perception among those members of the public who came to meetings that there was an increase in crime and accidents, whereas the report from the police in those areas confirmed that there was no increase at all.

Therefore, I agree with all the recommendations, all of which focus on the continued need for appropriate public information. The Schools Project, in particular, seems to have been very successful and as this is a relatively straightforward and not too expensive way of having an informed public, particularly in areas adjacent to COMAH sites, and should be continued.'

1. Introduction

The origin of this scrutiny review arose from a request to the Essex County Council's (ECC) South Essex Area Forum from the Canvey Island Neighbourhood West Meeting regarding its concerns about safety in respect of two top tier COMAH (Control of Major Accident Hazards) sites on Canvey Island. The matter was referred by Councillor Ray Howard as the Area Forum Chairman to the County Council's Scrutiny Board and in turn to the Safer and Stronger Communities Policy and Scrutiny Committee (SSCPSC) as the issues fell within its particular remit at that time (Minute 33/ June 2010).

There are a total of five top tier COMAH sites within the County Council's administrative boundaries. Taking into account the complex regulation around COMAH and the Council's own role and responsibilities, the Committee agreed an initial scoping document for the investigation of how ECC delivers its own responsibilities under the COMAH Regulations for the production and exercising of off-site plans, and the steps that have been taken to safeguard communities for the purposes of emergency planning in Essex (Minute 49/September 2010). The objective of the review was as follows:

'To undertake a scrutiny review of the off site emergency planning requirements around COMAH sites in Essex.'

From the outset of the review the Committee stressed that the focus of this scrutiny review was upon ECC responsibilities for the off site emergency planning arrangements rather than the detail associated with the on site regulation of the COMAH sites, which are the responsibility of the Site Operator and the Health and Safety Executive (HSE). Furthermore it has considered generic issues rather than focussing on any specific COMAH site, albeit it has taken into account the evidence provided by local witnesses from Canvey Island of their own perception and experience of the local sites they are familiar with.

In practice the review provided the catalyst for the Committee to look at the broader framework for emergency planning across Essex, because of its significance for understanding how the requirements for COMAH sites fall into the overall approach to community safety.

'What is the aim of the COMAH Regulations?

Their main aim is to prevent and mitigate the effects of those major accidents involving dangerous substances, such as chlorine, liquefied petroleum gas, explosives and arsenic pentoxide which can cause serious damage/ harm to people and/or the environment. The COMAH Regulations treat risks to the environment as seriously as those to people.'

Taken from HSE website

<http://www.hse.gov.uk/comah/background/comah99.htm>

2. Approach to Evidence Gathering

In undertaking this complex scrutiny review a variety of methods were used to gather evidence. As evidence was obtained it was necessary to review what information would be required by the Committee to progress its investigation so that its Members could cross examine effectively the evidence obtained; and at the same time recognise the emotive issues associated with the regulation of COMAH sites particularly where local residents are concerned with their communities' safety and wellbeing.

The main sources of evidence accessed by the Committee for this review are set out below.

- **Visits to COMAH Sites**

At a practical level Committee Members were given the opportunity to visit some COMAH sites to see firsthand what their management entails, and how their regulation is operated in practice. The sites visited were:

- QinetiQ, Shoeburyness/ Foulness
- Petrochem Carless Refining, Refinery Road, Harwich Tendring
- Calor Gas Limited, Thames Road, Canvey Island, Castle Point

A brief overview of these visits is provided by the Chairman in Appendix A to this report.



Photograph of Petrochem Carless Refinery COMAH site



Photograph of Oikos and Calor Gas COMAH Sites At Canvey Island

- **Essex Fire Headquarters**

The Committee was also invited to visit the Essex Fire Headquarters at Kelvedon to focus upon Civil Contingencies Act 2004 and the way that the Emergency Planning Service is organised in Essex. A DVD entitled 'Civil Contingencies Act. Act One' produced by Essex County Council was made available to Members. A presentation was made by both the Chief Fire Officer and Deputy County Emergency Planning Officer on all aspects of emergency planning and engaged with Members through a question and answer session. A summary of the visit is attached at Annex A.

- **Formal Committee Meetings**

At formal meetings of the Committee the following witnesses attended to submit evidence:

14 January 2011

- David Johnson, Chief Fire Officer and County Emergency Planning Officer, Essex County Fire and Rescue Service (ECFRS)
- Rosanna Briggs, Deputy County Emergency Planning Officer, Emergency Planning Service
- Keith Mead, Health and Safety Manager, Petrochem Carless, Harwich. *NB Mr Mead attended the Committee meeting to answer any generic questions that arose where his professional experience could assist the Committee in understanding the operation and regulation of COMAH sites.*

11 February 2011

- Councillor Jane King, Castle Point Borough Council, and nominated representative of Canvey Island West Neighbourhood
- George Whatley, Chairman of PAM (People against Methane) and Canvey Island resident
- Steve Sawkins, Canvey Island resident (in support of Mr Whatley)

In addition to appearing at the meetings some of the witnesses also provided written submissions, which have been identified in this report as background papers.

- **Site Visits**

The Committee also undertook site visits to the New Hall School, Boreham to learn about its practical experience of the Developing Community Resilience through Schools Project; and the Port of London Authority at Gravesend to learn about its role in the regulation of activities adjacent to the River Thames and emergency planning matters.

- **Communications Workshop**

The Committee held a workshop in the Emergency Planning Centre at County Hall, Chelmsford on 9 December 2011. The purpose of the workshop was for the Committee to consider various public communication issues associated with emergency planning activities.

- **Off Site Emergency Planning Exercise**

In April 2012 Councillor Johnson observed an exercise to test the off-site emergency plan for the QinetiQ COMAH site at Rochford.

- **EDEHPSC Site Visit to QinetiQ, Rochford**

In May 2011 the SSCPSC was removed from the Council's Scrutiny Committee structure. However, the Committee continued as a Task and Finish Group of the Economic Development, Environment and Highways Policy and Scrutiny Committee (EDEHPSC) in order to complete this scrutiny review. Prior to the final scrutiny report being considered for endorsement by the EDEHPSC, an invitation from QinetiQ was accepted for Members to visit its site at Shoeburyness/ Foulness to learn more about the way that COMAH regulations and emergency planning are put into practice at a top tier site.

3. Summary of Evidence from the Scrutiny Review

The following is a summary of the evidence that the Committee has considered. However, further evidence is reproduced at the Appendices to this report.

This scrutiny review evolved over a longer period than originally envisaged given the evidence gathered and specific issues that were identified for further investigation. Ultimately the Committee focused its findings upon the provision of emergency planning in Essex, which provides the broader context for the way that the Council fulfils its responsibilities in terms of the COMAH regulations.

During the review the Committee was aware of local press coverage in South East Essex that reported incorrectly that the focus of this scrutiny review was upon a 'safe siting policy'. However, it was a matter of public record that it had been agreed that its focus would be upon off site emergency planning matters across Essex and not upon the operation of individual COMAH sites. Such sites have become highly regulated over the years, and there is a comprehensive regulatory framework that includes the collation and co-ordination of information for each site that is used by the responsible bodies to inform their individual safety and emergency planning requirements. Indeed it could be argued that in practice there is comprehensive regulatory control in place to address the specific risks posed by COMAH operations, whereas in fact there are smaller industrial operations located in less well recognised locations that may present less well documented and less regulated hazards.

In practice the Civil Contingencies Act 2004 and other legislation requires Emergency Planning Services to put mechanisms into place that are capable of addressing assessed risks such as industrial accidents and other emergencies that may arise such as Foot and Mouth Disease or acts of terrorism rather than being developed narrowly for specific emergencies. Additionally COMAH regulations require that dedicated emergency plans are put into place for those individual sites that fall within their remit.

In Essex there are examples where effective emergency plans have been put into practice such as the disaster of the Korean Air crash at Stansted Airport, and climate generated emergencies such as inland flooding and extreme winter conditions, or oil spills on the coast. There are other examples where this County's facilities have responded to incidents that have occurred beyond its own boundaries such as the London Terrorist Strikes 2005, the Buncefield Oil Depot fire and explosions 2005, and the August 2011 riots. The Committee was satisfied that the evidence available on how actual emergencies and disasters have been responded to over the years and how the lessons learned that have led to consistent improvements in emergency planning and preparedness do give it reassurance that measures have been put into place to identify and reduce risks to local communities. There are emergency plans in place to address specific types of risk within the county such as the decommissioned nuclear power station at Bradwell, and major events such as the 2012 London Olympic and Paralympic Games.

Furthermore emergency plans are tested regularly to ensure that they remain fit for purpose on an ongoing basis, including those associated with COMAH sites.

Overview of ECC role in the off site emergency planning for COMAH sites

'The aim of the COMAH regulations is to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any which do occur.

The regulations operate at two levels (lower and top tier) depending on the quantities of dangerous substances at an establishment. Under these regulations, the Civil Protection and Emergency Management Team prepares, maintains and exercises COMAH Offsite Plans for the following companies: -

- Calor Gas – Canvey Island
- EPC Groupe, UK – Bramble Island
- Oikos Storage – Canvey Island
- Petrochem Carless Ltd – Harwich
- QinetiQ Ltd - Shoeburyness

The safety of the community has always been a priority for the local authorities, emergency services, the Health and Safety Executive, Health Services and the various chemical industries who are committed to improve emergency procedures, by drawing on a wealth of experience and best practice. The petrochemical and explosives industry is one of the most closely regulated in the country and also one of the safest, but the emergency planning partners believe in preparing carefully just in case the unexpected does happen.

Although accidents and emergency incidents are rare, the industry and authorities concerned go to great lengths to make sure that if an incident does happen, it can be dealt with effectively and local communities alerted and protected. These plans ensure that all response and recovery arrangements are implemented effectively.

Each site has a specified Public Information Zone (PIZ) in which the site operator must give specified information about their establishment, the major hazards and the safety measures that are in place.'

Quote from Mike Gurden, Essex Emergency Planning Officer April 2012

There are various issues associated with COMAH sites such as land use planning, and safe siting policy which are the subject of studies being undertaken by the HSE and other bodies including those from the Buncefield Inquiry, and it was agreed that that work should not be duplicated by this Committee.

Aside from the management and operations associated with COMAH sites that can be analysed objectively, there are other underlying subjective matters that affect local communities that are much more difficult to address. This review presented the Committee with the difficulty of trying to address conflicting perceptions of risk in the way it has reached its conclusions.

Research on risk, risk perception, risk aversion and other related topics has contributed to much debate over many years. The HSE has published some of its research into the way that the public reacts to risk and major disasters, and some of its work that is still ongoing eg there is a Technical Advisory Group investigating Societal Risk.

'SUMMARY OF KEY FINDINGS

- There is some research based evidence for scale aversion and some against. The greater weight of research demonstrates that, even where it is evident, scale aversion is not consistent and is dependent on numerous factors many of which are themselves subject to change and are subjective. Therefore, although scale aversion may exist in some situations, it is not a consistent phenomenon.
- As there is little by way of consistent, 'tidy', predictable evidence for scale aversion both in research and public reaction to major accidents, it is neither practical nor sensible to attempt to measure it in mathematical terms.
- There is evidence that factors other than scale of consequence contribute to risk perception and aversion. A revised decision making framework that seeks to address societal concerns by focussing solely on scale aversion may misrepresent the real issues affecting the concerns of different communities and groups subject to any decision making process.
- There is evidence that the means by which risk is communicated by experts to 'lay people' affects the extent to which people feel concern and can influence in a negative sense people's perception of risk associated with a specific development. Consideration of this should be made in any policy aiming at addressing societal concern.
- Assessing public reactions to major accidents as a means to establish evidence of scale aversion is challenging as the measure of public reaction for any such assessment is very dependent on the media coverage, which in itself is 'an amplifier' of people's reactions (Kasperson, 1992).
- Social impact assessments have shown that the perception of risk and loss in society/communities/groups and individuals is not limited to a remote sense of 'fatality'. There is a 'wider sense of loss' which incorporates a much broader notion of loss/consequence than that considered by 'traditional' measures of risk. For example people worry

about what might happen to their homes. There is a lack of 'compartmentalism' in public perception of risk (Irwin, Simmons, Wynne & Walker 1998); people do not tend to limit their perception of risk to accident risk but frequently also reason in relation to other effects such as the impact of a plant on a local area and pollution.

- Although this has not been examined in detail, there is a case for making a distinction between pre-accident aversion and post-accident reaction. The former relates to the general concern of societal groups who have not encountered (or observed via media) a specific accident. This aversion can be affected by a wide range of local elements such as a community's history with a site, whether a site smells or looks unattractive and beliefs about specific organisations. The latter relates to social reaction to a specific accident and the concerns that this arouses. This again is subject to a range of influencing factors such as media amplification. Scale may be a contributing factor to both pre accident aversion and post accident reaction. However it is rarely the dominant factor.

(From 'Evidence or Otherwise of Scale Aversion: Public Reactions to Major Disasters. Technical Note 03' HSE, June 2009)

While the research provides an interesting insight into public behaviour towards the presence of perceived risks within their localities, it is a huge topic and is not summarised in this report. However, Councillors were mindful of the different perspectives of the professionals and local residents towards the regulation of COMAH sites and risks that their presence may pose. Witnesses who live on Canvey Island highlighted this point, providing a contradictory view from the professional perspective ie that emergency plans are not in place and that steps have not been taken to inform the public on civil protection. In this regard the importance of public communication, community resilience, and the ongoing work with schools appears to the Committee to be of paramount importance in the longer term alleviation of public fears by raising awareness of the emergency planning framework, and public/ personal safety in the event of an incident.

By their very nature COMAH sites may pose complex issues ranging from the specific science and technologies associated with their operation, potential hazards, and variety of regulations that may be appropriate at each site depending upon its location, type of operation and products, and health and safety issues. In turn, the legislation that has evolved is designed to ensure their effective control and regulation. However, the complexity and volume of the legislation associated with COMAH sites may have contributed in some cases to a lack of public understanding and confidence in the way that control through the legislation is effected in practice.

The Committee noted that the identity of both top and lower tier COMAH sites are published in the public domain, as well as information on the regulatory framework for their control. Furthermore there are mechanisms in place

whereby that control has to be demonstrated in various ways by both the operators and those bodies statutorily responsible. The legislation is designed so that the individual hazards posed by each site are addressed in order to minimise those risks to the public and the environment.

All COMAH sites must have properly approved emergency plans in place that are designed to address the worst case scenario risks associated with the individual sites, and they have to be tested on a regular basis. While other industrial operations may also pose potential risks to their local communities, they may not necessarily be subject to the same intense scrutiny and control as those sites designated as a COMAH site. Nevertheless in the event of an emergency or disaster the various emergency planning agencies have to have co-ordinated plans in place to respond effectively.

The control and regulation of COMAH Sites is underpinned by legislation that has evolved from ongoing experience at both national, European and international levels. However, there is a broader emergency planning strategy in place in addition to the attention given to COMAH sites. Community resilience is a key factor in the way that society handles the risks associated with modern life, and the Civil Contingencies Act has been designed to underpin a modern civil protection framework to address risks and threats that exist. However, the emergency planning strategies themselves cannot be considered in isolation. The ease or otherwise of the Essex Civil Protection and Emergency Management (ECPem) Team's ability to fulfil its role is inextricably linked to the way that its activities are supported both at a corporate level and across relevant agencies.

While the Committee has been impressed by the high standards of professionalism exhibited by Emergency Planning Officers throughout the review, Councillors were mindful that the Team's ability to provide public information has to be considered within the broader context of the Council's own corporate communications framework, and facilities that are available in practice to support individual Services.

The County Council has a duty under the Civil Contingencies Act 2004 to "communicate with the public". It is a Category One responder and the concept is that responders should strive to communicate with everyone. A holistic approach to warning and informing needs to focus upon both –

- communicating "in an emergency", and
- pre-event information/education for emergency preparedness.

Although it is necessary for public information to be published through a variety of different media, the internet provides a useful measure of the type of information that may be available more broadly. Given the County Council's strategic role, the Committee noted that the public might refer to its website as a primary source of information to learn about emergency planning in Essex and what to do in an emergency. In practice the Council's website provides a limited overview of emergency planning albeit it is a useful tool for signposting to other related websites such as the Essex Resilience Forum. There is no

clear information on the Council's role in the regulation of COMAH sites. Given its limited content, there could be an argument that it fails, in its own right, to provide quick and easy access to find out what to do in an emergency situation because the individual is required to investigate other websites and further layers of publicity available. In effect the Committee was concerned that the valuable work undertaken by Emergency Planning Officers could be undermined, and the opportunity for promoting community resilience through the sharing of information diminished.

By way of comparison when investigating the Southend-on-Sea Borough Council website in connection with the QinetiQ COMAH site, aside from signposting to other relevant websites, more immediate space has been given to providing the public with information on emergency planning and direct detail on what an individual can do in an emergency.

Although the internet has become a crucial channel for acquiring up to date information, Councillors considered that in practice electronic access to information on emergency planning is not necessarily easy for the layman to find, and could be criticised for being of limited value to the layman seeking practical advice on what to do if there was an emergency eg in the vicinity of an industrial accident. It was ascertained that over recent years changes to the County Council's own website have resulted in relatively basic information being published, coupled with the fact that there have been difficulties with publishing some materials due to format issues and links to some other relevant sites. At an early stage of the review the Committee learned that other Councils across the country have loaded the 'Civic Contingencies Act. Act One' DVD onto their websites, but it was not available on the ECC's own website even though its own Emergency Planning Officers were instrumental in producing such a useful learning tool.

4. Conclusions and Recommendations

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

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

General: Recommendation 1

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

Recommendation 1:

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

Public Communications Good Practice: Recommendation 2

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

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

Recommendation 2:

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

Schools Project: Recommendation 3

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

Recommendation 3:

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

Corporate Services: Recommendation 4

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

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

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

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

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

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

Recommendation 4:

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

Corporate Emergency Planning: Recommendation 5

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

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

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

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

Recommendation 5:

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

Monitoring Outcomes of scrutiny review: Recommendation 6

Recommendation 6:

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



5. Committee Endorsement of the Final Scrutiny Report on the Off Site Emergency Planning Requirements around COMAH Sites in Essex

Minute 4/ February 2013 of the EDEHPSC meeting held on 21 February 2013 records that -

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

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

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

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

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

- To liaise with the site operators to view their safety report, request them to provide worst case scenario for our planning assumptions and inform the writing of the off-site plan.
- To produce the off site emergency plan in liaison with other stakeholders including emergency services and district council.

- To write the plan, plan and deliver the off site exercise and review every three years.
- To provide a post exercise report.
- To charge the operator for the cost of delivering the plan and the exercise.
- To support if required, the operator in the advice to the public within the Public Information Zone.

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

The section also summarised the key findings including risk and scale aversion. Members were particularly aware that local perception of risk was important to those concerned, and this was reflected in their recognition of the importance of appropriate communications.

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

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

- Recommendation 6 proposed the monitoring of responses to the preceding recommendations to be picked up in June and later in the Autumn of this year.

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

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

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

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

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

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

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

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

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

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

1. Since the announcement of the review, the ECPEM has now developed a COMAH Strategy document, which clearly identifies a policy and audit process.
2. The ECPEM has established through its new partnership arrangements with ECFRS a closer working relationship to record and maintain within a centralised system a register of all the activities/exercises held on the COMAH site throughout the year – not just every three years as the regulations state.
3. Given that the pressures on the emergency services and others is high and the requirements of Thurrock Council, which has a number of COMAH sites, the ECPEM has taken a proactive approach and will be establishing a COMAH Group between Essex County and Thurrock Councils (including the emergency services) to ensure that both Councils are both fully compliant under the Regulations and at the same time ensuring the best use of resources.
4. As proposed by SSCC Members during the review, the ECPEM is in the process of developing awareness briefings for elected councillors.
5. The ECPEM is actively promoting with the COMAH Site Operators, extended Public Information Zone areas where appropriate, which are

over and above the Health and Safety Executive guidance. This will help to ensure that more people are advised on community resilience.

6. The ECPEM is actively working closer with the District Councils on community awareness projects, also recognising that those councils also have similar duties under the Civil Contingencies Act.
7. Due to the constraints of the ECC website, ECPEM felt that they needed to progress more work on warning and informing. Therefore it has established its own website “Prepared in Essex” and an app – which is multi layer platform and has already put information around the COMAH planning on the site.
8. The ECPEM is in the process of building a business case to submit to the County Council for its service to have its own social media account.
9. As part of a seminar organised by the Team following the Committee’s meeting, it was proposed to inform Members and other invited guests about the new Command, Control and Co-ordination procedures

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

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

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

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

General: Recommendation 1

It be recommended that the Essex Civil Protection and Emergency Management Team and the Essex Resilience Forum be formally commended for the ongoing development of emergency planning work in Essex, and the national recognition achieved for those initiatives they

have championed including the film 'Civil Contingencies Act. Act One', developing community resilience through the Schools Project, and its input into off site COMAH Emergency Plans including the Shoeburyness Emergency Alert Service.

Public Communications Good Practice: Recommendation 2

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

Schools Project: Recommendation 3

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

Corporate Services: Recommendation 4

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

Corporate Emergency Planning: Recommendation 5

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

Monitoring Outcomes of scrutiny review: Recommendation 6

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

Following the Committee's consideration of the scrutiny report itself at the formal meeting there was a separate seminar organised by the ECPEM Team to provide Members' with an up to date overview of civil contingency planning

in Essex. Several guest speakers, including statutory Category One Responders, had been invited to address the Committee. Also a number of guests who had contributed evidence to the review were invited to the seminar.

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

Appendix A

CONTROL OF MAJOR ACCIDENT HAZARD SITES

Overview of the Operation of the COMAH Regulations

By way of introduction to this scrutiny review on the Off Site Emergency Planning Requirements around COMAH Sites in Essex, the Chief Fire Officer (CFO) and Deputy Head of Emergency Planning prepared a detailed report (SSC/01/10) for the Committee entitled 'Review of COMAH (Control of Major Accident Hazard) Sites'. It highlighted the historical background on the way these sites have come to be regulated, the current legislation and an overview of their implementation in Essex. The report was considered by the Committee at its meeting in January 2011 (Minute 4).

The Committee took an objective approach to gathering evidence about the nature of COMAH establishments and, the way that their regulation is managed and implemented by those parties that have statutory roles and responsibilities. In turn, it had to address the perception of some local residents who live near COMAH sites on Canvey Island that those regulations are inadequate, and are not satisfactorily implemented. It should be noted that the COMAH Regulations are subject to national security policy, which has been applied by the Health and Safety Executive (HSE), and may contribute to the perception that the planning and implementation of the Regulations are inadequate because of the limitations on the publication of plans in the public domain.

The COMAH regulations and guidance are complex due to the type of activities taking place at COMAH establishments. They define how operators must engage with their regulators such as the Competent Authority (CA) and Local Authorities (LAs). An overview of the relevant COMAH regulations that underpin some of the matters considered in this scrutiny review, is set out elsewhere in this report.

COMAH Regulations

'Major hazard sites are industrial sites that manufacture, process or store dangerous chemicals and substances in quantities that could pose a risk to workers, people in the vicinity of the site, and the environment in the event of a major accident. These 'major accidents' includes fires, explosions or incidents in which dangerous substances are released. Major accidents are rare, but can occur at sites ranging from large petrochemical plants to chemical storage warehouse.

Under the Control of Major Accident Hazards Regulations 1999, as amended (COMAH), operators of sites with dangerous substances above specified quantities have to take all necessary measures to:

- Prevent major accidents; and

- In the event of such accidents, limit the effects on people and the environment.

For certain sites, with particularly high quantities of dangerous substances, operators must also describe their control measures to prevent major accidents in a 'safety report'.

The COMAH Regulations are enforced by a Competent Authority (CA). In England and Wales the CA comprises the Health and Safety Executive (HSE) and the Environment Agency, and in Scotland, the HSE and the Scottish Environment Protection Agency (SEPA). The CA is responsible for checking that site operators take steps to prevent and limit the effects of major accidents.'

Taken from HSE Website, a leaflet entitled 'Major Hazard Sites and Safety Reports, What you Need to Know.'

There are two types of COMAH site: Top tier and lower tier. Top tier sites are those where the operators hold larger quantities of dangerous substances, and are subject to more onerous requirements than those of 'lower tier' sites. There are around 1100 top and lower tier sites in Great Britain of which about 370 are top tier COMAH sites. ('Societal Risk; Initial Briefing to Societal Risk Technical Advisory Group' HSE 2009).

This scrutiny review was focussed upon top tier sites of which there are five such sites within Essex County Council's administrative boundaries.

- Petrochem Carless Refining, Harwich Tendring
- EPC Groupe UK, Bramble Island
- Oikos Storage Ltd, Canvey Island, Castle Point
- Calor Gas Limited, Canvey Island, Castle Point
- QinetiQ, Rochford (Site spans the administrative boundary between Southend and Essex)

The Committee noted that there are eight sites inside the Unitary Authority of Thurrock, and the County Council liaises with that Council in the preparation of off-site plans as appropriate as well as other adjoining Local Authorities (LAS) concerning emergency planning matters. *(For information: There are also sixteen lower tier sites broadly spread across Essex, including five in Thurrock and one in Southend, which are subject to separate regulation.)*

While the Committee did obtain a lot of background information on the operation and emergency planning regulations through written evidence and formal meetings, Members recognised the importance of visiting sites in order to understand the issues arising in the review and challenge how the regulations work in practice. During the course of the review Members visited three COMAH sites in Essex.

The following information draws upon guidance that is given to operators from the HSE. (website <http://www.hse.gov.uk/comah/background/comah99.htm>)

Role of the Competent Authority -

‘1. Purpose

1.1 To ensure that the local authority’* (LA) adequately discharges its duty to prepare, test on an ongoing basis and review and revise the off-site emergency plan (OfSEP) for each COMAH top tier site within its area so as to minimise the consequences of major accidents to people and the environment.

1.2 To ensure that operators of top tier COMAH sites supply to local authorities the information necessary for the purpose of enabling the authority to prepare the off-site emergency plan as required by COMAH Regulation 10, and provide information to the public as required by Regulation 14.

1.3 Emergency response is a Competent Authority Strategic Management Group (CASMG) priority topic for 2010-2011. The results from the intervention will be recorded on COIN and reported to CASMG at the end of the work year. The results will be used to inform future interventions.

2. Scope

2.1 COMAH off-site emergency planning requirements for all top-tier COMAH sites, falling to both LAs and top-tier COMAH operators.

2.2 The linkage between COMAH OfSEP requirements at top-tier sites and COMAH notification requirements under Regulation 6. The CA administrative procedures for handling Notifications, including the need to keep the LA up-to-date about the status of COMAH sites in their area, as set out in chapter 5 of the COMAH manual.

2.3 Competent Authority (CA) arrangements for meeting their duty as a statutory consultee to the LA and enforcing COMAH Regulations 10, 11, 12 and 14.

2.4 Communication channels/working relationships within the CA and between the CA and LAs for the ongoing exchange and sharing of relevant information.’

* The “Local Authority” as defined by COMAH Regulation 2, for COMAH emergency planning purposes, is a broadly defined term (see L111 pages 11-12 and paragraphs 51-53). It covers the local government body be that a council or authority, including the fire and rescue service) which houses the local/regional emergency planning function, and which may be referred to as the Emergency Planning Unit (EPU).’

Taken from the Competent Authority Publication: COMAH Competent Authority Workstream 7b. Off-site emergency planning (Operational Delivery

Guide) Version 1/April 2010

NB the COIN Inspection Rating (IRF) system is used measure a site's progress.

All COMAH operators that are subject to the regulations must submit certain basic details to the CA, and have a general duty to take all measures necessary to prevent major accidents and limit their consequences. All must prepare a Major Accident Prevention Policy (MAPP). In addition top-tier operators have to comply with the requirement for a MAPP except that they do not have to provide a separate document – their Safety Reports have to include the information that lower tier operators provide in their MAPPs together with additional duties.

The safety report must include:

- a policy on how to prevent and mitigate major accidents;
- a management system for implementing that policy;
- an effective method for identifying any major accidents that might occur;
- measures (such as safe plant and safe operating procedures) to prevent and mitigate major accidents;
- information on the safety precautions built into the plant and equipment when it was designed and constructed;
- details of measures (such as fire fighting, relief systems and filters) to limit the consequences of any major accident that might occur, and
- information about the emergency plan for the site, which is also used by the local authority in drawing up an off-site emergency plan.

Safety reports have to be kept up to date, and any revisions have to be notified to the CA. If there are any modifications to the plant or the way it is operated or if new facts or information become available, the safety report must be reviewed and, if necessary, revised at the time. It must be reviewed after five years even if there have not been any changes.

The CA has inspectors who specialise in enforcing the law at major hazard sites through a system of inspections. Inspectors who regularly visit the site will assess the adequacy of the information contained in safety reports. All safety reports are systematically assessed by a team of Inspectors from the HSE and EA. The approach is set out in a document called the 'Safety Report Assessment Manual', which is available on the HSE website.

Safety reports are available to the public via the CA registers, subject to safeguards on information in terms of national security, commercial and personal confidentiality. They may also be requested from the local offices of the EA.

As a part of the safety report, top tier operators must prepare an emergency plan to deal with the on-site consequences of a major accident. However, the

Committee had chosen to focus upon the off site planning aspects associated with COMAH, and therefore on site planning issues were not considered specifically as a part the scrutiny review.

Operators must supply information to LAs for the off-site emergency planning process, which play a key role in the process by preparing, reviewing, revising and testing off-site consequences of major accidents at top tier sites. The information that the operators must provide is set out in Schedule 5 to the Regulations. It must be supplied to the LA no later than the date the on-site emergency plan for the site has to be completed.

People who could be affected by an accident at a COMAH site must be given information without having to request it. Again, the details are specified in the Regulations (Schedule 6) but include details of the dangerous substances, the possible major accidents and their consequences and what to do in the event of an accident.

COMAH regulations are enforced by the CA, which operates a Memorandum of Understanding setting out the arrangements for joint working. The Regulations place duties upon the CA to inspect activities subject to COMAH and prohibit the operation of an establishment if there is evidence that measures taken for prevention and mitigation of major accidents are seriously deficient. It also has to examine safety reports and inform operators about the conclusions of its examinations within a reasonable time period.

The CA charges for work it undertakes on COMAH. Charges are made on actual basis ie the recovery of the full costs of time spent by the CA in carrying out COMAH related activities for a part establishment.

As referred to elsewhere in this report, during the course of the SSCC investigations various Members have visited three top tier COMAH sites across Essex. An overview of the key points learned on those visits is captured in the Chairman's observations set out below:

Petrochem Carless Refining, Harwich - October 2012

During our visit we were given a very informative briefing and tour as to how the refinery operates, together with a very comprehensive overview of how the plant operates within the legislative and regulatory frameworks. Members asked a number of questions regarding the Operator's relationship with the Health and Safety Executive (HSE), its inspection regimes and how those regimes are funded in respect of the company and individual sites.

Members were reassured that the inspections regimes are robust and are taken very seriously by the Company, which has to fund the inspections from its own resources. Specific aspects of the site are inspected each visit, and there is a rolling programme which ensures all elements of the plant are routinely covered over time.

In addition, the Company has its own health and safety regime, and these are strictly adhered to. This was clearly evident on our visit, and indeed we were issued with safety clothing and any electronic gadgets had to remain in the vehicles. There is a close working relationship with the Emergency Planning Team at the County Council, (now hosted by the Essex County Fire and Rescue Service), to ensure the off-site plans are up to date and fully compliant.

Members were confident that all safety measures comply with the legislation, and were impressed by the detailed programme of inspections that oversee the regulation of this oil refinery.

Calor Gas Limited, Canvey Island – May 2011

On our visit we were given a briefing and tour of part of the site, in particular the pier where ships discharge their cargo, and the control room. Members were advised how the HSE inspection regime worked and how closely the Calor Gas team work and co-operate with Emergency Planning officers and the local community, including the local councillors. It was reinforced to Members that the legislative and regulative frameworks are robust, the Company has to comply with HSE inspection requests, and the funding for these comes from the Company. Off-site planning arrangements are all up to date, and comply with the Emergency Planning criteria. Members were concerned about how the local residents would know about the emergency planning arrangements, but learnt about a lot of work has been done with local schools and the community to ensure a wide exchange of information.

QinetiQ, Shoeburyness/ Foulness Island – Summer 2010, July 2012

This site has been visited three times by various groups of members, most recently by the EDEHPSC. Members were provided with a comprehensive overview of the health and safety measures in place, and the variety of different legislative elements that govern different aspects of the operation, from transporting goods in, to the on-site regulations regarding how materials are stored and deployed. Members had demonstrated to them the rigorous nature of the regulations that cover health and safety, and the compliance required to conform to it. Off-site planning has been well prepared and agreed with the County's Emergency Planning Services. Local liaison is strong, and the Public Information Zone (PIZ) material developed and distributed. The web-site was easy to navigate and contained all the relevant information.

As part of all three site visits, Members had the opportunity to observe, listen and question company representatives about how the health and safety aspects of their respective operations are managed. In all cases Members were satisfied that there were robust measures in place, and that compliance with Health and Safety legislation was of the highest priority, and was taken extremely seriously. The relationship between the companies and the HSE was found to be robust and effective. The provision of Off-Site Plans was evident and complied with the County's Emergency Planning Team's requirements. There was variation in the way PIZ information was

disseminated as a decision has been taken to cover a wider area, and Members felt this could form the basis for a more consistent approach across sites.

In recognising that residents have voiced concerns about events that had occurred in the past, Members have conducted a thorough review of the broader emergency planning issues associated with Essex's top-tier COMAH sites, and from these site visits, felt reassured that everything that can be done, is being done.

Councillor Simon Walsh

Summary of evidence submitted by Witnesses from Canvey Island

As a part of its enquiries the Committee has taken into account a different more subjective perspective presented to it by some witnesses who live on Canvey Island in the vicinity of two COMAH establishments. On 11 February 2011 they shared their general impressions with the Committee that the existing regulations were not adequate, and that people on the Island did not know what to do in the case of a major incident and were unfamiliar with any emergency plans.

At the outset it was emphasised to the witnesses that the focus of the Committee's review was the off-site site emergency planning requirements around COMAH sites rather than the regulation of on-site arrangements.

Messrs Whatley and Sawkins submitted written evidence and addressed the Committee in support of their case. The main issues that they raised were as follows:

- There was an expectation that companies should do their utmost to minimise the risks associated with their operation and have suitable plans in place. However, a concern was expressed about the role and responsibilities of COMAH operators as set out in the Regulations. There was a perception that, in practice, operators had conflicting priorities with the dual roles of both gamekeeper and poacher. While the operators have the industrial expertise, witnesses challenged the extent to which they would share information for the purposes of the regulations and emergency planning arrangements in view of their organisational and commercial priorities.
- There was concern that the inspection of COMAH sites may not be stringent enough, safety mechanisms were prone to failure, and some operators may not be complying with safety regulations. Reference was drawn to incidents where equipment that is supposed to have a defined life span has been found to be out of date because the operator has failed to replace them. As technical expertise tends to lie with the operators, it was suggested that it makes it difficult for the

regulatory bodies to have the broad range of expertise necessary to fulfil their inspection responsibilities. The resources available to those bodies are also restricted and mean that they are not as proactive as they could be. It was also suggested that COMAH operators should pay for the costs of the HSE inspection, but in fact the Committee noted that the Regulations already enable the HSE to make such a charge to cover its costs.

- The witnesses referred to various reviews being undertaken by the HSE that may result in changes in the regulation of COMAH sites, and they urged the Committee to consider a number of policy making changes such as:
 - The introduction of a Safe Siting Policy to control land use in the vicinity of a COMAH site, and
 - greater emphasis on consideration of 'societal risk' in land use planning.
- Local planning authorities like Castle Point Borough Council may have more than one role in respect of COMAH sites. Aside from being Local Planning Authorities responsible for determining planning applications and developing local development frameworks, they may also be Hazardous Substances Authorities responsible for the issue of hazardous substances consents. In addition LAs have various emergency planning responsibilities. There was some concern about the level of expertise that was required for LAs to fulfil these roles, and the fact that they rely on the original information provided by COMAH operators.

With particular reference to Canvey Island, Mr Whatley was not familiar with the existing Emergency Plan, although he was familiar with a recommendation made in 1983 for the creation of a plan.

In his written submission Mr Whatley urged that 'suitable for purpose emergency contingencies should essentially be a consideration for the Scrutiny Panel to investigate'. The view was put forward that the 'process of Community Risk Register is that generally it is not known to the community that could benefit from its existence. The scope of the hazard range from an incident at hazardous sites has never been identified by Public Information Zones (PIZ), leaving large numbers of the community around such sites completely unprepared.'

In response to the Committee's cross examination, Mr Sawkins accepted that COMAH operators comply with the regulations, albeit he had reservations about the quality of the information that may be used in practice (eg the use of worst case scenarios to develop best practice) and emphasised the importance of learning from experience.

Castle Point Borough Councillor King gave evidence to the Committee on 11 February 2011 on behalf of the Canvey Island Neighbourhood West Meeting. She also submitted a written statement, which was read out by the Chairman at the meeting.

Councillor King expressed her own concerns about the safety of the community on Canvey Island. Although local residents accepted the ongoing presence of two COMAH sites, she pointed out that there has been a large increase in the number of people living on the Island through incremental residential development and was concerned about their safety in the event of a major incident. A major contributory factor to local concern was the limited highway access onto the Island, and the high levels of congestion that arise.

The local community feels insecure, particularly in the wake of recent incidents, and was not familiar with any safety regimes. It should be a requirement for the off-site planning arrangements for such COMAH sites to reflect the community's concerns and explain what emergency measures are in place. Sites should be required to undergo the equivalent of an MOT annually, given by the appropriate external body.

Although Councillor King accepted that there were regulations governing the operation of COMAH sites, she did not feel that they were adequate in the light of the situation on Canvey Island.

The presence of COMAH sites leads to a 'blight' effect on the local community eg, they look unattractive, give off smells, lower house values. COMAH sites should bring forward proposals to mitigate these effects on the local neighbourhood.

The recent decision of the Fire Authority to vary cover at the Canvey Island Fire Station was also criticised by Councillor King as local residents perceived it as an unacceptable 'downgrading' of the service. Traffic congestion on the Island would affect the ability of fire appliances to reach any incidents if they had to come from the mainland.

During this evidence session reference was made to Thorney Bay Park Caravan Site, and further information is set out at Annex B.

Off-Site Emergency Planning Requirements

Details on the off-site emergency planning requirements required by the COMAH Regulations, together with some background on how those requirements have been put into place in Essex were set out in report SSC/01/10 presented to Committee in January 2011. The report also set out information on the progress that has been made in Essex in respect of the relevant recommendations of the Major Incident Investigation Board 'on the emergency preparedness for, response to and recovery from incidents' following the Buncefield explosion on 11 December 2005. (A summary of the

Buncefield Inquiry and an Overview on Land Use Planning is set out at Annexes C and D respectively)

The objectives referred to in Articles 9(1) and 10(1) of the COMAH Regulations that focus upon Emergency Plans are—

1. containing and controlling incidents so as to minimise the effects, and to limit damage to persons, the environment and property;
2. implementing the measures necessary to protect persons and the environment from the effects of major accidents;
3. communicating the necessary information to the public and to the emergency services and authorities concerned in the area.

The LA in whose area there is a COMAH establishment has a statutory duty to prepare an 'off-site emergency plan' (OfSEP) for that establishment, and that plan has to be adequate for securing the objectives set out in Part 1 of Schedule 5 of the Regulations and contain the information specified in Part 3 of that Schedule.

In summary an off-site emergency plan must be produced for each COMAH site within a specified time period determined by the HSE. Plans must take into account the potential off-site consequences to people, the environment and property, and how to assist with on-site mitigatory action.

LAs play a key role by preparing, reviewing, revising and testing off-site emergency plans for dealing with the off-site consequences of major accidents at top tier sites. The off-site plan must dovetail with the on-site emergency plan and the LA will need to consult closely with the COMAH operator.

As part of the preparation of the off-site emergency plan, LAs must consult the emergency services, including each health authority for the area in the vicinity of the COMAH establishment, so that their concerns and recommendations are taken into account in developing and resourcing the plan. It may also consult such members of the public as it considers appropriate on the preparedness of the off-site emergency plan. The Home Office's publication 'Emergency response and recovery' and the former Scottish Office's 'Dealing with disasters together' contain guidelines for LAs, emergency services and others. These highlight the importance of a combined response from all the agencies involved ie integrated arrangements for emergency management.

The agencies have specific functions in the event of a major industrial accident in connection with mitigating the impacts on the environment, which go beyond their regulatory role as part of the CA. For this reason the Environment Agency is a separate named statutory consultee on the preparation of the off-site emergency plan. This distinction reflects the different objectives and timetables for these consultations. The Agency is normally consulted early and regularly during the development of the off-site plan to dovetail its response with the local authority. The CA is consulted to assess the regulatory sufficiency of the off-site plan.

Off-Site COMAH Emergency Plan Exercise

An opportunity arose for a Committee Member to observe an exercise to test the off-site COMAH emergency plan at the QinetiQ MOD site at Shoeburyness on 2 April 2012. Councillor Johnson attended and his observations are set out below:

‘As part of the Task and Finish Group regarding COMAH sites, I took part in a visit to QinetiQ, which focussed on the Emergency Plan.

This was a table top simulation exercise to prove the robustness of the Emergency Plan; an exercise which must take place every three years. This particular scenario involved a car crashing into a train that was carrying live ammunition whilst on the site and the impact on the surrounding area. Ammunition is transferred regularly onto the site as live weapons testing takes place here.

The exercise was attended by all the major agencies including the Coastguard Service, the Police, the Ambulance Service, various NHS organisations, the Fire Authority and others along with senior management from QinetiQ who operate the site on behalf of the MoD. All the agencies proceeded to test the plan under serious incident conditions.

Following completion of the exercise, it was agreed that the current Emergency Plan was robust however one or two pieces of information were identified that could improve the plan further and a proposal was made that these items should be included within the plan in future.’

Councillor Eddie Johnson

Elected councillors also have an opportunity to use appropriate channels of communication with the public in the vicinity of the major hazard establishment to obtain their views on the developing emergency plan.

COMAH off-site emergency planning requirements for all top-tier COMAH sites, fall to both LAs and top-tier COMAH operators. A LA cannot prepare an off-site emergency plan for an establishment without obtaining the necessary information from the operator. Under regulation 13 of the Regulation a LA may charge the operator a fee for performing its functions under regulations 10 and 11 ie for the preparation, review and testing of the off-site emergency plan.

Where LAs have several top tier establishments in close proximity, they will need to prepare emergency plans that take account of the potential consequences from accidents on all of them. Each establishment must have its own off-site emergency plan, developed in collaboration with the relevant

operator. Under some circumstances the situation may be addressed by local authorities having a generic plan, with separate detailed annexes for each establishment as appropriate.

Under the Regulations some sites may be designated by the CA as 'domino sites', which are sites where the likelihood or consequences of a major accident may be increased because of the location and proximity of other COMAH establishments and the dangerous substances there. These sites need special consideration in terms of emergency planning, and the testing of the off-site response.

COMAH establishments designated as domino sites must exchange information to enable them to take account of the overall hazard in their major prevention policy documents; safety reports; on-site emergency plans; and information supplied to the local authority for the preparation of off-site emergency plans.

COMAH Operators play a key role in the provision of information for the preparation and implementation of off site emergency plans for their sites (Regulation 14 and associated HSE Guidance refers).

People and establishments liable to be affected by a major accident at an establishment must be given specified information about the establishment, the major accident hazards and the safety measures that are in place. The CA determines the area around that establishment to which this duty applies but it is the operator who has to provide the information. The area is known as the public information zone (PIZ). The CA determines the PIZ by taking account of both the likelihood and effects of possible major accidents at the establishment. It is set on the basis that people outside it are not at significant immediate risk from major accidents, although they could be if the accident escalates.

The PIZ does not cover areas where a major accident might cause only environmental damage. The need to provide information to the public about delayed or indirect effects of major accidents, crop contamination for example, should be addressed in off-site emergency plans.

Operators have to be proactive in providing this information, ie they must provide the information without waiting for the people involved to ask for it. They must consider everyone who could be in the PIZ when a major accident occurs. This will include people passing through the area, for example people in vehicles and people who are visiting other premises within the PIZ such as shops and leisure centres. The duty extends to premises liable to be affected by a major accident so that those in charge of them can take the necessary action in respect of their employees and visitors in the event of a major accident.

Anyone whose presence in the PIZ can be predicted, such as residents or workers at other premises, can be sent the information individually by post or by other means. Those whose presence cannot be anticipated, for example

shoppers or people attending leisure centres, will need to be targeted in other ways and operators should consider these in discussion with the CA and LA.

The information to be provided is detailed in Schedule 6 but this is the minimum information and operators are free to provide more if they wish. The extent and degree of detail of information supplied will vary according to the circumstances of each case. It should be written in straightforward and simple terms, avoiding the use of complicated technical expressions. A clear explanation should be given for all technical terms where their use is considered necessary. The information should be readily understood by lay readers.

Operators must consult the LA when preparing information for the public. The value of this practice has been well demonstrated, and it should ensure that best use is made of local knowledge and expertise in communicating with the public. In places where different operators have several establishments located close together, this consultation will enable the LA to perform a co-ordinating role.

While Operators have the final say on the content and form of the information to be provided, they should try to reach formal agreement with their LA, as defined in Regulation 2, to distribute the public information within the PIZ.

The public information must be re-distributed whenever it is revised or after five years if there has been no update. This will cater for changes in population and ensure that people who have moved into the area are properly informed. It will also remind people who have previously been informed. Re-distribution may also be appropriate before the five-year limit. Operators may wish to carry out a representative survey of the people in the affected area to see how well people have absorbed the information they were given, to assess the need for a further distribution. Local authorities may also be able to give advice about this because of their local knowledge. Their broader experience in communicating with the public may also help operators to decide what to do.

As part of gathering evidence for the scrutiny review Members visited the QinetiQ COMAH site on three occasions in total. As already referred to above, on one occasion Councillor Johnson observed the testing of the emergency off-site plan exercise.

On another occasion in September 2010 Councillors Walsh and Pond attended the launch of the Shoeburyness Emergency Alert Service (SEAS), which is a joint initiative between QinetiQ, Southend-on-Sea Borough Council, Rochford District Council, ECC and the principal emergency services and complies with best practice outlined by the HSE and COMAH Regulations. From researching information on the internet it was also confirmed that public safety information could be found easily through search engine facilities.

Emergency Planning in Southend

New public information service for MOD Shoeburyness



Southend-on-Sea Borough Council, joined partner councils, the emergency services and QinetiQ, for a new initiative for people living near the test and evaluation range at Shoeburyness and Foulness.

QinetiQ, which operates the range on behalf of the Ministry of Defence (MOD) is launching a new information service for residents in the local area. The new service forms part of QinetiQ's routine incident planning process and will keep local people informed about what is happening on the site that may affect them.

QinetiQ's Head of Site at MOD Shoeburyness, Chris Bennett said; "It's business as usual for the range, we are not changing the type of work we do, but we are improving the way we communicate with people in the local area about what we do here and how it could potentially affect them, no matter how remote the possibility. We take safety on the site very seriously and our performance is regularly inspected and monitored by the competent authorities to make sure that working practices and facilities meet with the required standards."

The new Shoeburyness Emergency Alert Service is a joint initiative between QinetiQ, Southend-on-Sea Borough Council, Rochford District Council, Essex County Council and the principal emergency services and complies with best practice outlined by the Health and Safety Executive (HSE) and the Control of Major Accident Hazards (COMAH) regulations.

The organisations have worked together to make sure that they can respond to an incident and keep local people informed about how it may affect them. Only a small number of households actually fall within the 'Public Information Zone', as defined by the HSE. However, all of the partners in this initiative were keen to give people living or working close to the site access to the new information service.

Local people will receive a letter and leaflet which explain the new service, the type of work that goes on at MOD Shoeburyness and details about how to sign up to the Shoeburyness Emergency Alert Service, a free service that will alert

and update individuals quickly and directly should an incident occur.

For further information about the Shoeburyness Emergency Alert Service, contact the Shoeburyness Careline on 0800 0560108 or visit www.vocal.co.uk/qinetiq.

Last updated: 7th September 2010

Taken from Southend-on-Sea Borough Council website

http://www.southend.gov.uk/info/200039/emergencies/69/emergency_planning_in_southend

Members of EDEHPSC and SSCC visited the QinetiQ Site in July 2012. Aside from a tour of the site and visit to the Operations Centre, they received several presentations, and were able to cross examine QinetiQ representatives accordingly. There were also representatives present from other local Councils and the Police.

The Committee learned about the type of activity that takes place at the site and the way that it is managed to minimise the risks both on and off site. There is a plethora of regulation that must be adhered to and the COMAH regulations are an example where close working and co-operation with partners is an essential and ongoing part of the site's management and control.

A particular feature of this COMAH site is that it actually has residents living within its boundaries aside from being close to a densely populated area of the county. On the visit evidence was provided of the proactive steps taken to ensure that public safety information is available locally, and local community channels exist both at local organisation and individual levels.

SEAS is delivered by QinetiQ through iMODUS, which is a global, multi-lingual emergency notification system that is being used to warn and inform residents. It is free of charge and individuals can register to receive emergency alerts and updates on a mobile phone via SMS (text), by landline telephone or by email. SEAS messages are prioritised on the mobile networks to ensure that SMS updates are not delayed by network congestion. Nearly half of those properties identified within the PIZ have registered to be a part of the scheme. The Committee was advised that the iMODUS provider is using QinetiQ as a case study to promote use of the system to other COMAH sites.

Overview from QinetiQ

"QinetiQ have worked closely with Essex Civil Protection & Emergency Management and other agencies to produce and test the site's COMAH Off-Site Emergency Plan. We have at all times, received sound helpful advice delivered in a professional but approachable manner."

Communications

As a Top Tier COMAH site QinetiQ have a Public Information Zone (PIZ) where they have a duty to provide information to the public and also to inform them of any incident that may affect them.

QinetiQ inform the communities who may be affected by an offsite incident with the IMODOS messaging service through the Shoeburyness Emergency Alert Service (SEAS). Because of its unique nature and size, with magazines situated over a wide area, QinetiQ have extended their PIZ along its entire boundary. However they have gone slightly further than required by including all housed in a particular road even if only one falls within the PIZ.

They are also unique in so much as they have a village within their boundary making them the only COMAH site in the UK with residents on site. These are also included in the PIZ. Although this is an opt in system some 350 residents have signed up in the Shoeburyness, Wakering and Foulness areas. A recent test during an exercise gave a 44% return.'

Comments from Tony Tubb, Fire and Emergency Planning Officer, QinetiQ

An outcome of the July visit was to reinforce the evidence and impressions formed by the SSCC during the course of the review that the COMAH regulations are an integral part of the ongoing emergency planning regime for top tier sites, and that proactive steps are taken to underpin public safety.

While Councillors have had access to experts in the emergency planning field and developed their own knowledge as part of the review, they have nonetheless been mindful of the need to consider access to public safety information from the perspective of an ordinary member of the public. Although QinetiQ provides an example of good practice, Councillors acknowledged that it could be more difficult from a layman's point of view to find specific emergency planning and public safety information on the other COMAH sites within the county.

The internet has become a primary source of published information in the modern world, albeit it cannot be relied upon as the only source. As a popular tool searches were made on what information on local COMAH sites has been published from an Essex perspective. Opinions will vary inevitably on the quality and quantity of the information depending upon personal needs and points of view. Nevertheless all Essex Councils have published varying degrees of general information on emergencies and emergency planning, and provide links to more detailed sources such as the Essex Resilience Forum and HSE websites. Similarly those Councils that have COMAH sites within their boundaries (Castle Point, Rochford, Tendring, Southend) provide some information and press releases on COMAH matters and industrial accidents.

The likelihood and impact of COMAH site incidents are defined and agreed in the Community Risk Register, together with details about mitigating measures (such as plans, training, exercises and resources). The Register is a public document and the Essex Resilience Forum website confirms that it is available to the public via sending an email to Essex Resilience Forum Co-ordinator at essexresilienceforum@essex-fire.gov.uk.

While the Committee touched upon some of the specific issues relating to public safety information in relation to COMAH Sites, it took steps to develop its understanding of the broader issues associated with communication on emergency planning matters.



The Committee also visited the Port of London Authority (PLA) at Gravesend. The way that industrial sites such as COMAH are regulated will be influenced by many factors. Where a COMAH site may be located adjacent to a river or the coast and its location is crucial to its activity eg import/export of materials, or use of water then it will also be subject to other regulations as appropriate. Therefore the visit to the PLA was undertaken to find out about its responsibilities in terms of COMAH sites adjacent to the River Thames as well as other industrial activities; and that body's responsibilities as a Category 2 Responder under the Civil Contingencies Act. An overview of that visit is set out at Annex E.

Appendix B

Emergency Planning in Essex

Civil Contingencies Act 2004

At an early stage in the review the Committee recognised the significance of not considering COMAH regulation in isolation from the broader comprehensive emergency planning framework that exists in the United Kingdom from a local to national level.

The Civil Contingencies Act 2004 (CCA) and accompanying Regulations and guidance, delivers a single framework for civil protection in the UK. It is separated into two parts: local arrangements for civil protection (Part 1) and emergency powers (Part 2).

Part 1 of the Act, the supporting Regulations and statutory guidance *Emergency Preparedness*, establish a clear set of roles and responsibilities for those involved in emergency preparation and response at the local level. Local responders are divided into two categories, with a different set of duties applying to each.

Category 1 responders are those organisations at the core of emergency response (e.g. emergency services, local authorities, NHS bodies). Category 1 responders are subject to the full set of civil protection duties. These include:

- assessing the risk of emergencies occurring and use this to inform contingency planning in the form of a Community Risk Register;
- Put in place emergency plans;
- Create business continuity plans to ensure that they can continue to exercise critical functions in the event of an emergency;
- Make information available to the public about civil protection matters, and maintain arrangements to warn, inform and advise the public in the event of an emergency;
- Share information with other local responders to enhance co-ordination;
- Co-operate with other local responders to enhance coordination and efficiency;
- Provide advice and assistance to businesses and voluntary organisations about business continuity management (LAs only).

Category 2 responders are required to co-operate and share information with other Category 1 and 2 responders to ensure that they are well integrated within wider emergency planning frameworks, and contribute their expertise on risks and essential services in the form of the Local Resilience Forums.

Throughout the review it was apparent that experience plays a key role in the way emergency planning is being developed and delivered not only at a national level but in Essex itself. ECC has produced, in conjunction with the

BBC and national Cabinet Office, a DVD entitled 'Civil Contingencies Act. Act One'. It illustrates how the planning of emergency responses has evolved from the lessons learned from past disasters such as the Manchester and London Bombings, Carlisle, Boscastle and Gloucester Floods, and Foot and Mouth Disease, as well as the regular emergency planning exercises that take place. It stresses the key role of good co-ordination and communication between those Services engaged in the response to an incident, and addressing public information needs that includes the role of the media as well as need to take account of the volume of information that is becoming available as individual use personal communication devices.

What is community resilience?

The national Cabinet Office (2010) has stated that community resilience is about communities and individuals harnessing local resources and expertise to help themselves in an emergency, in a way that complements the response of the emergency services. The reasons why it is so important are that -

- Emergencies happen, preparing yourself and your family will make it easier to recover from the impacts of an emergency.
- Being aware of the risks you might face, and who in your community might need your help, could make your community better prepared to cope with an emergency.
- Local emergency responders will always have to prioritise those in greatest need during an emergency, especially where life is in danger. During these times, you need to know how to help yourself and those around you.

In tackling this review evidence from witnesses claimed that many residents were not necessarily aware of what to do in an emergency situation, and denied knowledge of the emergency plans that are in place.

Essex Resilience Forum

The Essex Resilience Forum comprises a broad membership from LAs, the Emergency and Health Services, Environment Agency, and Maritime and Coastguard Agency. It has a very informative up to date website at http://microsites.essexcc.gov.uk/microsites/essex_resilience/cca.htm .

The Forum's website includes information designed to inform the general public and agencies about its activities such as the Community Risk Register, Combined Operational Procedures for Essex (COPE), 'Keeping Essex Safe', as well as useful information for individuals to understand what to do in an emergency such as 'Home Emergency Plan', 'What to do before, during and after a flood', and 'Get Ready For Winter'.

Public information

Public information is vital in communicating with the local community to ensure that they know what to do in an emergency, whether it is as a result of a natural or man-made disaster. Different events will require specific advice and it is important that the dissemination of this information is carried out effectively.

Local authorities have a responsibility under the Civil Contingencies Act to provide specific information to residents who live within a given distance of COMAH sites. Information booklets have been produced for residents and are available to all members of the public on request.

Information is available from the web links at the end of this document on how to prepare for an emergency. Further information on what is happening before, during an emergency and, information on the activity undertaken by category 1 and 2 responders after the emergency has passed will be made available, subject to operational issues.

There are many mechanisms available and used to inform the public across Essex, for example:

Pre-event

- ❖ Published information on emergency planning, including films (DVD and videos)
- ❖ Websites
- ❖ Contact Essex (call centre)
- ❖ Police call line
- ❖ Radio, television and print media
- ❖ Pre-prepared leaflets
- ❖ Libraries (including encouraging the general public to access the Internet)
- ❖ Posters in public places such as local authority buildings, railways stations and airports
- ❖ Parish: website, newsletters
- ❖ Public meetings at a local level: parish council meetings, etc
- ❖ Elected members and community leaders
- ❖ Flood Warnings Direct: includes automatic voice messaging (AVM), text and e-mail and is specific to the
- ❖ Environment Agency
- ❖ Flood sirens
- ❖ School education programmes on emergency planning
- ❖ Talks and presentations, exhibitions and seminars
- ❖ Publication of exercises
- ❖ Voluntary organisations, e.g. Meals on Wheels

During the event

- ❖ As above and including the following;
- ❖ Vocal: a priority alert pager system

- ❖ E-mail 'call centre'
- ❖ Telephone call centre
- ❖ Text phone through Contact Essex
- ❖ Traffic matrix boards (under strict arrangements with the traffic control centre at Essex County Hall)
- ❖ Use of public buildings as drop-in centres, including post offices, libraries, doctors' surgeries, etc
- ❖ Language Line to reach non-English speaking residents
- ❖ Vulnerable people through Social Care
- ❖ Ceefax via a local arrangement with BBC Essex
- ❖ Chamber of Commerce and Trade for Businesses
- ❖ Learning Services Department to Schools
- ❖ Loud-hailer
- ❖ Call-out procedures for internal and external personnel
- ❖

Post-event

As before and including

- ❖ Post-event reports and publications
- ❖ Weekly newsletters
- ❖ Leaflets
- ❖ Guidance documents
- ❖ Radio broadcasts
- ❖ Public meetings

The BBC runs a service called Connecting in a Crisis which is an initiative by the BBC to help ensure that the public has the information it needs and demands during a civil emergency. It sets out to encourage emergency planners to work more closely with broadcasters in the preparation of strategies for communicating essential information. This radio service has been used frequently across the UK in flooding incidents, heavy snow and other severe weather, keeping schools and parents updated on availability and so on. **www.bbc.co.uk/connectinginacrisis**

There is also a national teletext page (139) to inform viewers about incidents and emergencies. This operates only during an emergency incident.

The Governments National News Network (GNN) is also an essential tool for use in an emergency to keep both Category 1 and 2 responders informed using a reliable source of information and for sharing information.

BBC Essex 103.5FM 95.3FM and digital **www.bbc.co.uk/essex**

Dream 100 100-2 FM **www.dream100.com**

Dream 107 107.7 FM **www.dream107.com**

Government News Network **www.gnn.gov.uk**

Essex FM 96.3FM 102.6 FM **www.essexfm.co.uk**

SGR 96.1FM **www.musicradio.com**

Taken from 'Keeping Essex Safe' published by the Essex Resilience Forum

Community Risk Register

As indicated above the Act requires the appropriate organisations to carry out joint risk assessments as part of their emergency planning and preparedness duties.

The Community Risk Register is to be used by responding agencies as a first step in the emergency planning process and it ensures that plans are developed proportionate to the risk. Therefore the risks identified in a register have been recognised by the responding agencies as an event or series of events that could result in a major emergency occurring, which could impact on local communities. Information contained in the Register is regularly reviewed and updated. A risk assessment includes the likelihood and potential impact of a range of hazards occurring.

The particular risks contained in the Register only cover non-malicious events ie hazards rather than threats ie terrorist incidents, and therefore include COMAH sites. The risk assessment of threats is undertaken at a national level so specific details are not made available as part of the risk assessment process and not included in the documentation.

Industrial

With specific reference to industrial considerations the following information is reproduced from 'Keeping Essex Safe':

Industrial

Throughout the county, premises or sites hold, store, use or transport chemical or radioactive substances which, if involved in an accident could threaten the population or environment of Essex.

Those sites comprise:

- Refineries
- Bulk storage companies
- Companies handling 'specified' substances
- Bradwell Nuclear Power Station (being decommissioned)
- Premises certificated to use radioactive sources e.g. hospitals and laboratories
- Docks and shipping
- Airports
- Road transportation
- Rail transportation

The geography of Essex lends itself to development by large, multi-national manufacturing companies and local-based light industry. Around the southern and eastern boundaries there are numerous safe deep-water berths for sustaining industry and affording excellent export opportunities. Those facilities, together with major road and rail systems, enable raw materials and finished products to be moved anywhere in the country easily and relatively

cheaply. In support of industry the county is self-sufficient in labour, domestic, recreational, and cultural facilities. Plans are produced by the implementation of appropriate legislation, regulation or codes of practice. With all emergency plans, the underlying philosophy is the protection of the population and the environment with the swiftest return to normality should an incident occur.

Plans

The following plans currently exist:

- Bradwell Power Station Off-Site Emergency Plan
- North Thames Corridor Combined Emergency Response Plan
- Control of Major Accidents Hazards Regulations (COMAH 1999) as amended by COMAH (Amendment) Regulations 2005 (Statutory Instrument 2005 No. 1088).
- Port of London Authority Combined Accident Plan (POLACAP)
- Harwich Combined Accident Plan (HARWICHCAP)
- Stansted Airport Emergency Plan
- REPPIR Radiation (Emergency Preparedness & Public Information Regs 2001) Major Accident Hazard Pipeline Plan
- Southend Airport Emergency Plan

Chemical accidents, toxic fumes and smoke

Accidents of this nature can happen anywhere. You do not need to live near an industrial site to be affected by a chemical incident.

Taken from 'Keeping Essex Safe' published by the Essex Resilience Forum

Essex County Council Emergency Planning Services

The County Council's Emergency Planning Team in Essex has historically been proactive in the way that it has pursued its role and responsibilities both within the county, with neighbouring LAs, and overall positive engagement in national civil protection matters. Indeed it has established a national reputation for some of the innovative work that it has delivered.



Cabinet Office Civil Contingencies Secretariat

Recognising where good work has been done can be extremely beneficial in enabling others to learn from successes and challenges. Essex County Council has been a leading authority in the field of warning and informing the public.

Because we recognised the vital role communication plays before, during and after an emergency, the Civil Contingencies Act (CCA) placed a duty on Category 1 responders, (which are the core response organisations in an emergency, including the blue light services, local authorities etc) to make the public aware of the risks of emergencies and maintain arrangements to warn the public if an emergency is likely to occur or has occurred.

Essex County Council led a programme of work that identified and addressed gaps in emergency planning concerning communicating with the public. In particular, the challenges of educating the public about risks. The innovative approach taken included targeting children under the "What if..." campaign. This successful project has helped to drive work forward at a national level, and has made a significant contribution to improving warning and informing capability.

Rosanna Briggs (EPO ECC) is currently the Chair of the National Steering Committee for Warning and Informing the Public (NSCWIP) – the UK's primary independent advisory group on warning and informing the public. Its primary aim is to assist local responders comply with their duties under the CCA and to share experience and expertise.

Source: Cabinet Office, Central Government

Having investigated a variety of avenues on the off site emergency planning requirements for COMAH sites as well as furthering its knowledge of the Civil Contingencies Act, the Committee held a workshop in the Emergency Planning Centre at County Hall, Chelmsford on 9 December 2011. The purpose of the workshop was for the Committee to consider various public communication issues associated with emergency planning activities.

At the beginning of the session Councillors were challenged with some questions on the way that individuals retain information. While we may find it difficult to recall what we did on a particular day the previous week, if we cast our minds back to junior school we are more likely to recall lessons we learned from safety campaigns such as the Green Cross Code, Clunk Click every trip, nuclear alerts, bomb threats.

During the review it appeared to the Committee that regardless of the good practice that may be in place both in terms of the regulation of COMAH Sites and the emergency plans, effective public communication could be very difficult to achieve but remains an important aspect of community resilience. Furthermore residents need to be made aware of what steps to take if an emergency arises whatever the form of the incident eg an industrial accident, flooding, severe weather conditions, terrorist alert, or a house fire. While some risks may be predicted others may not have been anticipated.

Attention was drawn to research that confirms that 'To engage the public to take responsibility for themselves, their family and the wider community prior to an emergency is difficult ... the lack of interest is characteristic of many people...' (Larson and Enders 1997). At the same time there is evidence that engagement with the community is cost effective and can change behaviour.

In Essex positive steps have been taken to promote community resilience through engagement with children at school, which has knock on benefits where children pass on what they have learned to their families.

Promoting Community Resilience through Schools Project: 'What if' Project

Between 2003 and 2007, the Essex Emergency Planning (EP) Service participated in three European funded projects, which sought to raise public awareness about the risks of flooding and how communities can prepare themselves. Essex took the lead in this area of work and developed two DVD films aimed at professionals and children.

The Service has also produced a calendar for children and continued to develop ways of working with children to deliver this important message to the wider community. In 2006 the Essex EP was awarded Beacon status with this particular piece of work being highlighted as being exemplary, and expressed a wish for Essex to role the project out nationally as part of the national Community Resilience Agenda.

In September 2008 the Department of Children, Schools and Families (DCFS) agreed to fund a project to bring together two areas of work on schools emergency planning, which had been undertaken by Nottinghamshire (also a Beacon Authority) and the Essex Emergency Planning Services. Essex led on the educational part of the work, which has proven to be ground breaking within the Emergency Planning field receiving both national and international attention. A grant of £60,000 was secured from the DCFS together with

support for the Project from the other five Beacon authorities. A total budget of £110,000 was raised for Essex and Nottinghamshire to undertake the Project at a national level.

The 'Developing Community Resilience Through Schools' project aims to get youngsters clued up on emergency situations, and what to do if the unexpected occurs. ECC leads the project and developed the educational packages including DVDs, online puzzles and scenario games to raise awareness of emergency planning. More information on the project is available via the 'What If' website at www.what.if.org.uk

The work with schools has been an innovative way to deliver the warning and information duty under the Civil Contingencies Act. Essex has built on the work it has delivered over the last few years as well as developing new ways to achieve this through the production of interactive and on line toolkits.

All age groups have been targeted from 6 to 15 years old, and Emergency Planners have been involved in the delivery of this work in a variety of locations and schools around the county. The publicity and pilot projects have included:

- Broomgrove Primary School – 200 children over 5 days
- Exercise Windmill – 300 14/15 year olds over a day – now in its 5th year
- Exercise Raindrop – 70 13/14 year olds over a day
- Exercise Sea Haven – 100 14/15 year olds at 10 schools on a daily basis – now in its 8th year
- Canvey Island – 2000 year groups 2 and 5 at 10 schools over 3 weeks
- Basildon – 250 year groups 2 and 5 at 5 schools over 4 weeks

Canvey Island Project

As part of the evaluation of the Project the Committee learned that a pilot project had been held on Canvey Island between 14 June and 2 July 2010. The aim was to test the products Essex had designed and developed with all the Schools on the Island (13 in total); and to engage with the Canvey Island community to ensure its residents are aware of local risks and to raise their awareness on how they can prepare themselves for an emergency.

In the first instance the support of Head Teachers was sought, and a programme was produced to deliver the emergency planning message. It was agreed that pupils in Year 2 (6/7 year olds) and year 5 (9/10 years olds) would be engaged in the pilot.

The pilot ran over a three week period and the delivery was made through the Emergency Services and Emergency Planners. All of the schools were visited at least once during the 3 week period. Lessons took a variety of forms from testing the products (on line books, games and puzzles) as well as role play and other activities.

The culmination of this work was through a Celebration Event held at Leigh Beck Infants and Nursery School on Canvey Island on 2 July 2010. All the schools on the Island attended and displays were put up from every school and presentations were made by the children.

This work has proven that it is possible to deliver a national message at a very local level without frightening the community. The children were positively engaged and its success has been underlined by the fact that the schools want to do the exercise again. The organisation and delivery of this work has been through a partnership approach between the emergency services and the schools. A DVD has been produced for schools.

New Hall School, Boreham

On 12 May 2011 Councillors Deakin, Garnett, Howard and Walsh visited New Hall School to learn about its involvement in the 'What If' Project, and meet with staff and pupils who had taken part in the exercise to get a practical perspective upon its impact.

It was confirmed that the School's Head of Critical Thinking had read an article in a periodical about the Project, and consequently sought the ECPEM Team's support in the delivery of awareness training to Year 8 Students. The training took place on 7 June 2010. Pupils had to undertake research beforehand and to role play in an emergency response scenario that was announced on the day. The exercise took place in the Emergency Planning Centre at County Hall, and was supported by a variety of professionals and other community figures such as councillors whose roles were being played by the pupils.

The School was delighted with the pupils' response to the Project, and followed it up with an examination paper to capture the valuable learning from the course work and exercise delivered by ECPEM.

Communications: Emergency Planning within the Corporate Context of Essex County Council

While the Essex Civil Protection and Emergency Management (ECPEM) Team has demonstrated its professional approach to emergency planning throughout the review, Councillors were mindful that its ability to provide public information had to be considered within the context of the Council's own corporate communications framework and the facilities that are available in practice to individual Services.

With regard to the County Council's policy on information that may be published by its Services on the website, the Committee was advised that the Council has no specific policy other than that it must be accurate, non-political and relevant to the target audience.

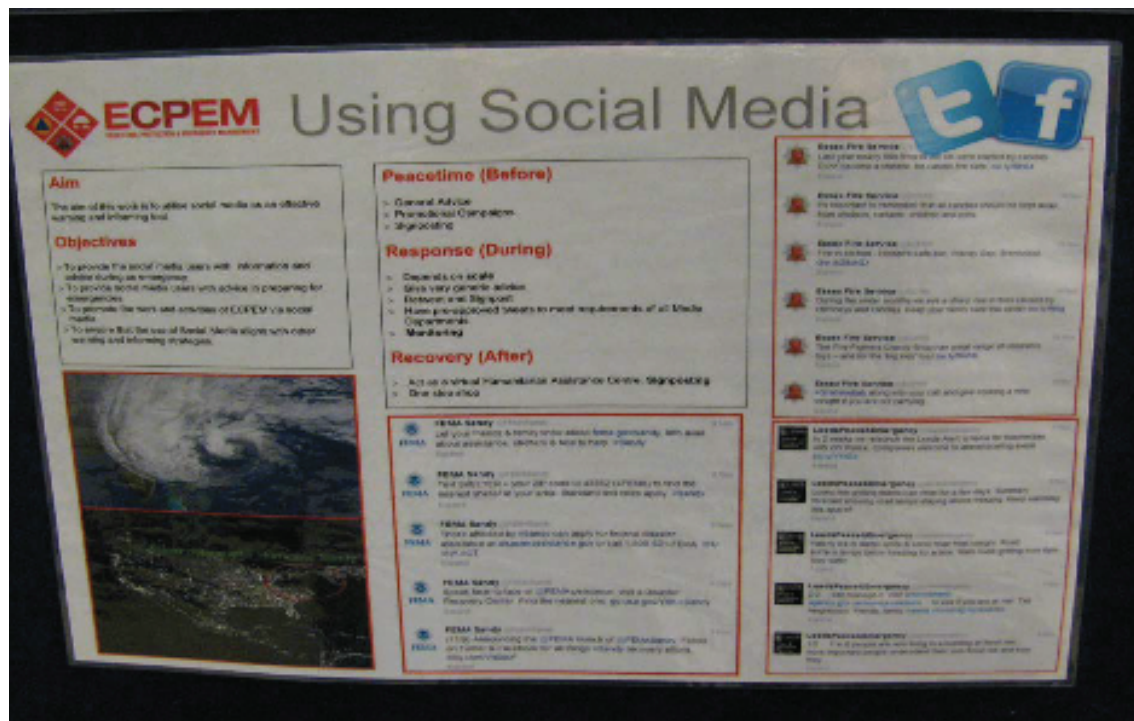
Although the internet has become a proper means for acquiring up to date information, Councillors considered that electronic access to information on emergency planning is not necessarily easy for the layman to find, and its current content could be criticised for being of limited value. It was ascertained that over recent years changes to the Council's own website have resulted in relatively basic information being published, coupled with the fact that there have been difficulties with publishing some materials due to format issues and links to some other relevant sites. At an early stage of the review the Committee learned that other Councils had loaded the 'Civic Contingencies Act. Act One' DVD onto their websites, but it was not available on the ECC's own website even though its own Emergency Planning Officers were instrumental in producing such a useful learning tool.

Given the County Council's strategic role, the Committee considered that the public would have an expectation that the County Council's own website should be a primary source of information for emergency planning on Essex and what to do in an emergency. The website provides a limited overview albeit it is a useful tool for signposting to other related websites such as the Essex Resilience Forum. There is no clear information on the Council's own role in the regulation of COMAH sites. Furthermore it does not provide a quickly accessible means of learning what to do in an emergency situation and would require the individual to have to search other websites and further layers of publicity available. In effect the Committee was concerned that the valuable work undertaken by the Emergency Planning Officers could be undermined, and the opportunity for promoting community resilience through the sharing of information is diminished.

The Committee invited David Wilde, Chief Information Officer, Information Services Management, to its December workshop to provide advice on how the Council's own ICT (Information Communication Technology) could be used to enhance the way that public access to emergency planning information is delivered. He indicated that the Council does have the ICT facilities necessary to support Services, and suggested it was merely a case of those Services identifying what they required so action could be taken to

implement the changes. He referred to the way that technology is evolving and his own experience of using electronic devices for the transmission of information across the World, for instance he illustrated real time weather conditions in Washington DC that were being captured by CCTV camera and relayed onto the internet.

At the workshop the Committee praised the exemplary work of the ECPEM Team and some of the materials it has produced such as the film on the 'Civil Contingencies Act. Act One' and the 'What if.....' project. However, it learned that it had proven difficult for the Team to have these materials published on the website, and indeed remained unavailable directly from the Council's website. The Committee took the opportunity that presented itself to draw these anomalies to the Chief Information Officer on behalf of the ECPEM Team, and he undertook to resolve the situation. In response he confirmed that the Council has access to the IT facilities required to enable materials produced by its services to be published on the website, and was looking ahead to developing its capabilities to publish interactive/ real time information. However, financial considerations are a constant theme, and the state of business systems in terms of age, interoperability with web based solutions and quality of data.



Another matter where the Committee has also been instrumental in encouraging improvements following its Workshop is in the provision of WiFi capability for the Emergency Planning Centre given the strategic importance of that facility.

In general Members considered that there was a need to draw attention to the need for Corporate Services like IT and communication facilities to recognise the practical needs of and engage effectively with front line services like Emergency Planning. Aside from the direct provision of the emergency planning service itself by the ECPEM Team, the Council as a corporate body has statutory responsibilities to fulfil around the provision of related public information that plays an important role in the promotion of community safety.

The Committee invited the IS Team to comment on matters relating to how the public are informed about important issues like what to do in an emergency. The Chief Information Officer confirmed that collaboration tools and social media solutions are developing at a rapid rate and are enabling much quicker turnaround times to get information out. Also mobile applications for alerts and other notifications are becoming the normal means of mass communication now that networks are becoming more robust. The Council needs to consider what potential the Next Generation Access project for improved Internet provision has for taking advantage of these media for alerts.

Annexes

OVERVIEWS: *A number of overviews are set out below setting out background on some of the main areas that were discussed during the course of the scrutiny review. They have been written to assist the reader in understanding some of the complex issues that arose during the course of the review that were considered by the Committee in developing its conclusions and recommendations. The origins of the information used for each overview are identified as background papers at the end of this report.*

Annex A

Overview of the Essex Emergency Planning Service

As a principal local authority, Essex County Council (ECC) originally met its statutory duties for emergency planning through the work of its Emergency Planning and Business Continuity Management Services. In November 2004, the Civil Contingencies Bill received Royal Assent and placed a duty on all local authorities in England and Wales at Category 1 Responders in line with the emergency services and health authorities. As a Category 1 Responder, Essex delivered its responsibilities and was nationally recognised as a high performing authority in emergency management and received Beacon Award in 2007. However, in Spring 2010 discussion took place between ECC and the Essex County Fire and Rescue Service (ECFRS) to explore options for a more integrated approach to emergency planning. Consideration was given to the existing synergies between the County's emergency planning function and ECFRS, and whether economies of scale could be achieved through closer collaborative working whilst maintaining the effective delivery of an emergency planning function.

The discussions proved to be very positive to the point where a formal proposal was agreed by the Essex Fire Authority (EFA) and ECC. The initial agreement at a strategic level was for the separation of the emergency planning and business continuity functions, and for ECFRS to take over responsibility for delivering the emergency planning element on behalf of the County Council for an interim period.

In June the EFA provided approval for the Chief Fire Officer (CFO) to take over the interim role of County Emergency Planning Officer (CEPO), on the understanding that this was to be achieved through the development of a Service Level Agreement (SLA) between the County Council and ECFRS. The SLA will set out clear expectations, responsibilities, service delivery objectives, outcomes, protocol of joint working and budget arrangements, whilst development of the full business case and longer-term business model is undertaken, prior to final agreement with ECC and approval by the EFA.

In November 2010 the Committee visited the ECFRS Headquarters at Kelvedon. The purpose of the visit was to learn about the profile of the services covered, the Civil Contingencies Act 2004, the management and co-

ordination of emergency planning in Essex (including broader national co-ordination issues), practical implementation, and future issues. It was an interesting and informative insight into how both ECC and the Fire Services can work together on the wide range of work that is covered by Emergency Planning Services, which is centred upon people and the environment.

Supplementary Information:

All Emergency Planning Staff were TUPE across to ECFRS on 1 January 2012 and now form the Essex Civil Protection and Emergency Management (ECPEM) Team with the Chief Fire Officer as Head of Service. Gill Dickson and Rosanna Briggs as Deputy Heads of Service are responsible for the day to day management of the Team.

The Business Plan and Service Level Agreement was formally agreed by the EFA and ECC Cabinet, and the budget has now transferred to the Fire Service.

Annex B

Thorney Bay Park Caravan Site

During the exchange of evidence witnesses drew attention to the close proximity of Thorney Bay Park Caravan Site to a COMAH site on Canvey Island on several occasions. It has over 1000 caravans, most of which are permanently occupied. Its development has evolved from a very old planning consent, which does not have modern planning conditions that would control its growth and activity.

There are unique planning issues with the caravan site that pose difficulties for the local authorities and services, which were not within the remit of the scrutiny review. However, it did highlight the way that the relationship between the COMAH establishment and local development may change over time and impact of incremental development.

The main points were that:

- Castle Point Borough Council has been unable to stop the growth of the caravan site, and has been in discussion with other bodies like ECC and the Fire Service to address the situation that has arisen.
- The occupants of the caravans come from a wide geographical area, and many do not stay for long. As a transient population it is harder for local councils and COMAH operators to engage with individual occupants in order to keep them informed of contingency plans, escape routes, etc. This contrasts with the COMAH site situation at Foulness, where it appeared that good relations with local residents had been established.
- Posting details about evacuation procedures on caravan doors would be one targeted way of providing information to changing residents.
- Even though Canvey is a designated flood area, restrictions on occupancy of the site cannot be controlled via restrictions relating to potential flooding, as Canvey now has good flood protection.

It was confirmed that land use issues relating to the Thorney Bay Caravan Site, were being addressed through other channels and forum, and as they were not directly relevant to the strategic focus of the scrutiny review no further action was taken as part of the Committee's investigation.

Annex C

Buncefield Inquiry

Once the Committee had learned about the shape and extent of the COMAH regulations in terms of the off-site planning requirements, it was pertinent to refer to the investigations and outcomes of the Buncefield Inquiry particularly those set out in the following two reports of the Buncefield Major Incident Investigation Board:

- Recommendations on the emergency preparedness for, response to and recovery from incidents; and
- Recommendations on land use planning and the control of societal risk around major hazard sites.

In the early hours of Sunday 11th December 2005, a number of explosions occurred at Buncefield Oil Storage Depot, Hemel Hempstead, Hertfordshire. At least one of the initial explosions was of massive proportions and there was a large fire, which engulfed a high proportion of the site. Over 40 people were injured; fortunately there were no fatalities. Significant damage occurred to both commercial and residential properties in the vicinity and a large area around the site was evacuated on emergency service advice. The fire burned for several days, destroying most of the site and emitting large clouds of black smoke into the atmosphere.

The HSE led a joint investigation with the EA, which was detailed, thorough and wide-ranging. An independent Buncefield Major Incident Investigation Board, chaired by Lord Newton of Braintree, was set up to supervise the investigations. Part of the investigation's terms of reference was to 'make recommendations for future action to ensure the effective management and regulation of major incident risk at COMAH sites. This should include consideration of off-site as well as on-site risks and consider prevention of incidents, preparations for response to incidents and mitigation of their effects.'

As part of its investigation the Committee was able to refer to the website that was set up for those people interested in the Buncefield investigation to access information.

Annex D

Overview on Land Use Planning

During the course of the Committee's inquiry reference was made to land use planning, and a proposal was put forward by the Canvey Island witnesses that the Council should promote a 'Safe Siting Policy'.

Summary of CA Approach

In summary, the HSE's advice on land use planning, in a majority of cases, is delivered through PADHI ie planning advice for developments near hazardous installations.

Where a site near to a major hazard chemical installation or pipeline is being developed the planning authority (PA) has a statutory duty to refer the planning application to the HSE. When the HSE is consulted it will respond that it either 'advise against' or 'don't advise against' the granting of planning permission on health and safety grounds that arise from the possible consequences of a major accident at the hazardous installation. The PA takes this advice into account in the determination of the planning application.

The aim is to manage population growth close to such sites to mitigate the consequences of a major accident.

The HSE sets a Consultation Distance (CD) around major hazard sites and pipelines after assessing the risks and likely effects of major accidents at the installation or pipeline. The CDs are based on available scientific knowledge using hazard/ risk assessment models updated as new knowledge comes to light. Major accidents are also studied. The PA is notified of this CD and has a statutory duty to consult the HSE on certain proposed developments within it.

There are some situations where PADHI may not be used and there are other procedures methods that have to be applied.

While land use planning is an interesting area for investigation in its own right, the Committee was mindful that this particular review was focussed upon the off-site emergency planning requirements associated with COMAH establishments. It was noted that a number of recommendations have arisen from the Buncefield Inquiry on land use planning and the control of societal risk around major hazard sites, so that the land use planning system around COMAH sites is more integrated with the COMAH regulatory system. Consequently a majority of the issues raised by witnesses are being addressed in other forum at a national level, and therefore the Committee used the resource available to it to concentrate upon the emergency planning arrangements that are managed and implemented at a local level.

Annex E

Port of London Authority

On 14 October Councillors Deakin, Garnett, Pond, Schofield and Walsh, accompanied by Councillor Chapman, Cabinet Member, visited the Port of London Authority (PLA) at Gravesend.

The visit was relevant to the scrutiny review for several reasons. During the review witnesses had drawn attention to the COMAH sites on Canvey Island, which were adjacent to the River Thames, and as such it was appropriate to find out more about the PLA role in the regulation of the sites and emergency planning matters. It was also an opportunity for Members to challenge how, in practice, public bodies co-ordinate their emergency planning activity.

Jeff Stacey, the PLA Contingencies Manager, addressed Councillors on the background and activity of the organisation. Barry Goldman, the Vessel Traffic Services (VTS) Manager, demonstrated how the Operations Centre co-ordinates and controls river traffic. He stressed the importance of the knowledge and skill of qualified staff as well as the way that technology is used to support safety on the River. Councillors also undertook a river trip on TOSCA, a boat that is used as part of oil spill management.

In summary, the PLA is a statutory self funding body that operates under the Port of London Act 1968, and oversees 95 miles of the River Thames from Teddington to the outer Estuary. Its responsibilities include:

- Safety of the Navigation on the Tidal Thames
- The Environment of the Tidal Thames
- Working with Stakeholders on the River
- Promoting the use of the Tidal Thames

As the Statutory Harbour Authority it incorporates within its role:

- Safety of navigation
- Hydrography
- Marine Services (diving, salvage, oil spill response, and driftwood collection)
- Conservancy/ Dredging
- Aids to Navigation
- Port Security and Contingency Management
- Licensing – Vessels and River Works

As Competent Harbour Authority it provides Pilotage Services.

To fulfil its responsibilities the PLA does work closely with other agencies like the Marine Police, Security Services, and local authorities.

The PLA is responsible for licensing any structures that protrude into the River Thames such as jetties and pipelines. Consultation is undertaken as part of the licensing function. Any applications for development on land adjacent to the river have to be made in accordance with all statutory and other regulatory requirements prevailing at the time. Therefore it was confirmed that any jetties from Canvey Island are the subject of a PLA licence, and any landside regulations would be the responsibility of other bodies such as Castle Point Borough Council.

Any vessels that are carrying petrol, gases or other dangerous substances have to be escorted by the PLA pilot boats, and manoeuvred into any docking facilities. They are kept apart from other vessels. Safety is of paramount importance. In the VTS Centre Councillors saw how such vessels are highlighted for attention.

The PLA has a key responsibility for the environment of the Tidal Thames. It works closely with the Environment Agency (EA), and there is standing group that liaises on matters such as oil pollution and flood risk. Any pollution matters in relation to COMAH sites would be considered jointly.

In terms of the PLA Contingency Management Function, it was confirmed that it is a Category 2 Responder under the Civil Contingencies Act. It is involved in the London, Kent and Essex Resilience Forums, and London Emergency Services Liaison Panel, and has set up a Thames Resilience Group to facilitate cross-border, multi-agency working relating to the tidal Thames. The function includes:

- Statutory responsibilities for dangerous substances and oil spill planning.
- Port Marine Safety Code – UK standard for the management of safety in ports.
- Activities focussed around planning for an effective response to marine incidents and major incidents in the port.
- Dedicated local oil spill response capability.
- The PLA hosts the London Coastguard at the Thames Barrier Navigation Centre – London VTS.

Mr Stacey acknowledged that activity on the banks of the River has implications for the River itself, and confirmed that the PLA is keen to be involved in any land based safety planning management and activity. For example it could assist Essex County Council in the planning of oil pollution access points based upon its experience.

In thanking the PLA for hosting the visit Councillors confirmed that aside from the fascinating insight into its activities, they had found it reassuring to find out more about the cross border and inter agency working that takes place to underpin emergency planning activity.

Background Papers

The Control of Major Accident Hazards Regulations 1999

Report SSC01/ 11 Report to SSCPSC meeting held on 14 January 2011, and Minute 4/ January 2011

‘Review of COMAH (Control of Major Accident Hazard) sites’ Briefing paper submitted by the Chief Fire Officer and County Emergency Planning Officer to the January meeting.

Report SSC/03/ 11 Report to SSCPSC meeting held on 11 February 2011, and Minute 10/ February 2011

Written submission dated September 2010 by George Whatley

Statement by Councillor Jane King submitted to the Committee meeting on 11 February 2011

Health and Safety Executive Documents:

‘Control of major accident hazards Regulations 1999 (COMAH)
<http://www.hse.gov.uk/comah/background/comah99.htm>

Publication: ‘Major Hazard Sites and Safety Reports. What you need to know’

Publication: ‘PADHI – HSE’s Land Use Planning Methodology’ September 2009

COMAH Competent Authority Workstream 7b. Off-site emergency planning (Operational Delivery Guide) Version 1/April 2010

Buncefield Major Incident Investigations Board reports on:

Recommendations on the emergency preparedness for, response to and recovery from incidents; and

Recommendations on land use planning and the control of societal risk around major hazard sites.

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INVESTOR IN PEOPLE

CABINET

19th June 2013

Subject: Disabled Facilities Grants Policy Review

Cabinet Member: Councillor Mrs Goodwin – Health and Well Being

1. Purpose of Report

This report seeks the approval of Cabinet for a consultation exercise for a new Disabled Facilities Grants Policy for the Council.

The report also seeks delegated authority, pending the approval of a new Disabled Facilities Grants Policy, for the Head of Environment following consultation with the Cabinet Member for Health and Well Being and the Head of Resources to determine urgent discretionary payments.

2. Links to Council's Priorities and Objectives

The new policy links directly to the Council's Community Safety Priority.

3. Recommendations

- 1. That the Cabinet notes the content of this report and the attached draft Disabled Facilities Grants Policy;**
 - 2. Approves a consultation exercise on the draft policy before being brought back to Cabinet to be formally adopted; and**
 - 3. Agrees to delegate authority to determine discretionary grants up to a maximum of £10k to the Head of Environment following consultation with the Cabinet Member for Health and Well Being and the Head of Resources.**
-

4. Background

- 4.1 Disabled Facilities Grants (DFGs) are mandatory grants available to disabled persons when works to adapt their home are judged necessary and appropriate to meet their needs and when it is deemed reasonable and practicable to do so having regard to the age and condition of the property,**

and they provide financial assistance towards the cost of essential adaptation work to make a house fit for a disabled person.

- 4.2 The mandatory grant (up to £30k) is given to enable a disabled person primarily to both gain access to their home and to enable them to access essential amenities and facilities within the dwelling. Grants are means tested except in relation to the provision of an adaptation for those under 19 years of age.
- 4.3 Discretionary grants may be given where the cost of the works deemed necessary to meet the needs of a disabled person exceed £30k. The discretionary grant may be given for the balance of the cost of the works.
- 4.4 The Council has only finite resources and as the number of people seeking adaptations and the cost of providing them grows, this is likely to mean that it cannot provide immediate help to all those needing assistance. It is therefore important that the Council has a policy in place which sets out how grant applications will be processed and prioritised.

Proposals

- 5.1 Following the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 it is a requirement for any new policies, updates or revisions to be formally adopted.
- 5.2 The draft Disabled Facilities Grants policy is intended to explain how the Council will use its resources to help those who need disabled adaptations and how decisions will be made about the help that it gives.
- 5.3 Before formal adoption it is proposed to carry out a consultation exercise involving a range of stakeholders to seek a range of opinion and enable the draft policy to be appropriately revised to best meet the need of disabled persons in the Borough.
- 5.4 From time to time the Council receives applications for a disabled facilities grant for works which exceed the £30k grant limit. In order that urgent cases can be determined prior to the adoption of the new policy it is proposed that the Head of Environment be given delegated authority to determine such cases, following consultation with the Cabinet Member for Health and Well Being and the Head of Resources, subject to an upper discretionary grant limit of £10k. Any discretionary works above that amount will need Cabinet approval.

6. Corporate Implications

(a) Financial Implications

Central Government provides annual capital grant funding towards the provision of DFGs. The amount of grant awarded each year is normally confirmed early in the year in question and in recent years the amount awarded has been around £255-£260k. Grant notification is not usually provided in advance for future years, only one year at a time. The budget approved in February 2013 currently assumes future years funding of £225k per annum. Additional amounts of grant are sometimes also awarded late in

the financial year although this is not always guaranteed every year. No amount is budgeted for any additional grants until such time as it is confirmed.

The Central Government funding is not specifically ring fenced for mandatory DFGs, however all Councils are required to submit to Central Government an annual declaration that grant conditions have been complied with as well as a return detailing amounts spent on DFGs and other supporting information, such as age of the grant recipient. In practice it has been Council policy for many years that the total grant received from central Government is fully allocated to mandatory DFG spend. Furthermore, subject to availability of capital resources the Central Government amount is normally topped up with internal Council funding to increase the total available to spend on DFGs. This top up is normally up to £121k each year.

Reallocation of budget to discretionary grants above the £30k mandatory maximum will reduce the amount available for other mandatory grants below £30k.

The total amount of capital spent on DFGs in recent years and budgeted for future years is as follows:

2010/11: £399k spent

2011/12: £281k spent

2012/13: £376k spent (unaudited amount)

2013/14: £543k budgeted, (which includes some amounts deferred from 12/13)

2014/15 and ongoing: £346k budgeted per annum (subject to confirmation of Central Government funding each year)

(b) Legal Implications

The draft policy requires formal adoption in order to satisfy the requirements of individual Acts of Parliament/ Statutory Instruments and this includes revision or review of such policies.

(c) Human Resources and Equality Implications

Human Resources

There are no human resources implications associated with this report.

Equality Implications

There is a potential for a positive impact on the following groups of people: - Adults and Children with Disabilities.

7. Timescale for implementation and Risk Factors

The consultation exercise on the Disabled Facilities Grants Policy is estimated to take 3 months.

Subject to Cabinet approval the delegated power for the Head of Environment to determine discretionary grants following consultation with the Cabinet Member for Health and Well Being and the Head of Resources, will have immediate effect.

8. Background Papers
None

Report Author: Trudie Bragg – Head of Environment

Disabled Facilities Grants Policy

Version 1.1

**Castle Point Borough Council
Council Offices
Kiln Road
Benfleet
Essex
SS7 1TF**

June 2013

- **Strategy or policy:** Disabled Facilities Grants Policy
- **Date adopted:** Draft for public consultation June 2013
- **Date last revised and reasons for revision:**

- **Links to Council priorities:**

Council priority	Linked?
Environment – Civic Pride	No
Regeneration and Homes	Yes
Improving the Council	Yes
Community Safety	Yes

- **Links to other strategies and policies:**

- Thames Gateway South Essex Sub Regional Housing Strategy

- **SMART action plan included?:** Yes

- **Name of lead officer responsible for implementing the action plan:**

Simon Llewellyn, Environmental Health Operational Manager

Phone: 01268 882320

E-mail: sllewellyn@castlepoint.gov.uk

- **Name of lead Member and Member body responsible for monitoring implementation of the action plan:**

- Cllr Mrs W Goodwin, Cabinet Member responsible for Health and Well Being

- **Equality Impact Assessment undertaken:**

- **Sustainability appraisal undertaken:**

- **Policy register on N Drive updated:**

1 Introduction

- 1.1 Perfectly good homes can be quite unsuitable for occupants with mobility needs, to the extent that they can actually be dangerous and isolating. Adaptations are needed by many disabled people so that they can remain safe and independent in their own home. They can be needed by people of all ages, but as our population ages and life expectancy increases, the number of people needing assistance to adapt their homes is expected to grow.
- 1.2 Castle Point Borough Council is committed to helping disabled residents and will administer Disabled Facilities Grants (DFGs) (and other forms of assistance such as discretionary grants, where available) so as to help them achieve a home which meets their needs.
- 1.3 The Council has only finite resources and as the number of people seeking adaptations and the cost of providing them grows, its finite resources are likely to mean that it cannot provide immediate help to all those needing assistance.
- 1.4 Following the regulatory reform (Housing Assistance) (England and Wales) Order 2002 it is a requirement for any updates or revisions of the Council's policies in respect of the allocation of housing grants to be formally adopted.
- 1.5 This policy document sets out how the Council will use its resources to help those who need disabled adaptations and how decisions will be made about the help that it gives.

2 DFG Summary

- 2.1 Disabled Facilities Grants (DFGs) were introduced in 1990 but the principle legal provisions are now contained in the Housing Grants, Construction and Regeneration Act 1996 (HGCRA) and regulations made there under.
- 2.2 DFGs are mandatory grants available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling or building. The Occupational Therapists at Essex County Council assess whether any works are necessary, and discuss the best available options with the Environmental Health Service at Castle Point Borough Council.
- 2.3 DFGs are generally subject to a means test which means that the applicant's income and savings have to be assessed to determine whether any contributions are required to be made by them towards the costs of the required work. The way in which the means test is carried out is governed by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are "passported" through the means testing process and children under the age of 16 are exempt from the means test.
- 2.4 Subject to all the eligibility criteria being met, the Council must 'determine' (i.e. approve) properly made applications 'as soon as reasonably practicable' but no later than 6 months from the application date.

- 2.5 The maximum amount of DFG is currently set by statute at £30,000. However the Council will consider payment of a discretionary grant in exceptional circumstances.
- 2.6 The DFG will be recovered following the sale of the property within ten years of payment of the grant provided the Council “is satisfied that it is reasonable in all the circumstances to require the repayment”. Grants below £5,000 are excluded from repayment, and the maximum amount recoverable in any one case is limited to £10,000. Where the grant is in excess of £5000, only the amount in excess of £5000 is recoverable up to the maximum of £10,000. In the case of discretionary grants, the Council will seek to recover the value of the grant in full following the sale or transfer of the property.
- 2.7 In the event of an applicant’s death before works are complete, the Council has the discretion to pay grant towards any fees incurred, any works already carried out or any ‘other relevant works.’
- 2.8 The Council promotes and supports the Handy Persons scheme which provides low cost essential adaptations and small practical jobs to help people to keep safe and secure in their home. No formal assessment is made; however it is only available to people aged 60 and over. The purpose of the scheme is to provide quick access to measures that will prevent a fall. There is a flat rate hourly charge for the service.

3 Regulatory Framework

There are a number of legal provisions governing DFGs and the application process including:

- Housing Grants, Construction and Regeneration Act 1996 (“The Act”) (as amended)
- The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to Approval or payment of Grant) General Consent 2008
- The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 (“The Order”)
- The Housing Renewals Grants (Amendment)(England) Regulations 2008
- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008
- Delivering Housing Adaptations for Disabled People – A good practice guide (June 2006)
- The Equalities Act 2010

4 Responsibility

- 4.1 The HGCRA makes the Council responsible for providing DFGs. The Council cannot, in law, refuse to process a properly made DFG application it receives from an owner-occupier or tenant. If the eligibility criteria and proper process are satisfied, the Council must approve the appropriate grant.
- 4.2 The Council is given a sum of money each year by the government, which is specifically used for providing grants to help disabled people adapt their homes.

- 4.3 DFGs are available to homeowners, owners of qualifying houseboats, owners of qualifying park homes, tenants of private landlords and tenants of Housing Associations. Grants are available for adaptations to the common parts of buildings containing one or more flats. DFGs are not however normally available to tenants of Council owned homes and any necessary adaptations to Council owned property are dealt with by the Housing Service in accordance with its policy and procedures.

5 Use of Home Improvement Agencies

- 5.1 Castle Point Borough Council has chosen to offer customers the choice of two Home Improvement Agencies (HIAs) to provide Services as part of the grants process. Papworth Trust Housing Solutions and Basildon Borough Council act on behalf of the clients in all administrative and legal respects for the provision of the disabled facilities grant.
- 5.2 The Services provided by the HIA to the applicant include: completing the application form with the client; preparing any plans which need to be submitted with the application; confirming the work specifications; seeking tenders; obtaining any specific permissions to undertake works, supervising the works and liaising with all parties in respect of completion and payment of the grant. For these Services, the HIA will charge no more than 12.5% of the costs of the tendered works, which is added to the grant amount.
- 5.3 The applicant does not need to use a HIA to apply for a Disabled Facilities Grant, and may choose to administer the process themselves. However, all applicants are advised of the complexity of the whole grant process at the outset.

6 The Disabled Facilities Grant Eligibility Criteria

- 6.1 DFGs are available to fund adaptations to the homes of elderly or disabled residents to enable them to live independently at home or be cared for at home. Grants are dependent on;
- The works being necessary and appropriate;
 - The works being reasonable and practicable; and
 - A financial assessment of the applicant's ability to fund the works themselves.
- 6.2 Eligibility criteria for DFGs are laid out in Section 23 of The Housing Grants, Construction and Regeneration (As Amended) Act 1996 and primarily relate to accessing principle rooms within the home and accessing and using essential facilities including access to gardens and outside areas of a property.
- 6.3 The Occupational Therapists at Essex County Council and Environmental Health Officers at the Castle Point Borough Council seek to support all applicants but by the nature of grant funding it is a formal process.

6.4 Necessary and Appropriate

- 6.4.1 Necessary and Appropriate works are determined through an assessment of the client and their home environment by an Occupational Therapist from Essex County Council. This concentrates on the client's ability to remain living independently in

their own home and must distinguish between works which are desirable, and those, which are necessary and appropriate.

6.4.2 Occupational Therapists from Essex County Council and Environmental Health Officers from Castle Point Borough Council regularly meet to:

- a) Discuss proposed applications;
- b) Determine whether applications meet the necessary and appropriate criteria with reference to the legislation;
- c) Determine if the works are likely to be reasonable and practicable.

Due to limited funding and the need to make the most effective use of available funding difficult decisions do often have to be made. Applications are prioritised in accordance with the advice provided by the Occupational Therapists.

6.4.3 When identifying and agreeing adaptations we will ensure that:

- They are the simplest, least disruptive and most cost-effective adaptation to meet the needs;
- They are designed to fit within the existing structure of the home; this may involve using the home in a different way i.e. sleeping in a ground floor room or sub dividing space; and that
- Providing additional space within a home is only considered if all other options have been fully exhausted and if it is practicable to provide additional space.

6.5 Reasonable and Practicable

6.5.1 There are times when it is simply not reasonable and practicable to adapt a property, for instance where there are excessive changes in level; where there are space constraints; or where moving existing services is prohibitively expensive. Rather than investing funding to poorly adapt a property, grants may be declined because the works are not reasonable and practicable.

6.5.2 If works are not considered reasonable and practicable within the home this will involve asking clients to seriously consider if they are currently in the most appropriate housing or if moving to more readily adaptable level access accommodation would be a better option.

6.5.3 In owner occupied premises where work is not considered reasonable and practicable, Disabled Facility Grant aid may be available to help with some of the basic costs of moving home. This would be dependent on the Means Test and each case would be judged individually on its merits.

6.5.4 In Housing Association accommodation, Housing Associations are usually happy to work with clients to identify alternative suitable housing. Where clients may be under occupying a home this has an added advantage of freeing up much needed family housing and there are monetary incentives available from the housing association for this. By promotion of the incentives to move to smaller accommodation by the housing associations it is hoped that such decisions can be made proactively rather than at a crisis point in reaction to a mobility need.

6.6 Financial Assessment (The Means Test)

- 6.6.1 Applications for Disabled Facilities Grants are generally subject to a Means Test.
- 6.6.2 The way in which the Council carries out the Means Test is governed by regulations and the Council does not have any discretion in applying it. Once the applicant's income and savings have been recorded on the application form, this information is used to calculate whether any contributions are required to be made by them towards the costs of the required work.
- 6.6.3 There are a number of circumstances when a means test is not necessary, and this is as follows:
- Where the recommendation for adaptations are for children (someone between the age of 0 and 16th birthday)
 - The applicant is in receipt of a "Passporting Benefit".
 -
- 6.6.4 In April 2013, the government commenced the implementation of Universal Credits and this will affect the way Disabled Facilities Grants are to be Means Tested. As of June 2013, the way in which Universal Credits are to be Means Tested has not been determined by the government. This Policy will be updated once these changes have been announced by Parliament.

7 The Disabled Facilities Grant Process

A. Occupational Therapist Referrals

- 7.1 The Occupational Therapy Service at Essex County Council submits recommendations for Disabled Facilities adaptations to the Council for all tenures.
- 7.2 All recommendations from the Occupational Therapists at Essex County Council are prioritised based into **High priority** or **Standard priority** cases.
- 7.2.1 High Priority
- This is assessed as service users whose adaptations should be a priority due to their identified level of risk. High priority will be given to those requests where there is a serious and imminent risk to the health and safety of the occupant, or service users have a progressive illness which will deteriorate rapidly and become unmanageable without the provision of an adaptation. These cases are identified by the Occupational Therapist as **Critical**.
- 7.2.2 Standard Priority
- Those who do not meet the above criteria, but are considered to be at some risk, and have an identified need for the recommended adaptation. These cases are identified by the Occupational Therapist as **Substantial**.
- 7.3 The Council will maintain a list of all recommendations received, and cases will be processed initially by the Occupational Therapists priority and then by the date of referral.

- 7.4 On receipt of a recommendation from the Occupational Therapist at Essex County Council, the details will be recorded by the Council and an initial test of resources is undertaken at this stage to determine whether the applicant will be required to make a contribution towards the cost of the works.

B. Application

- 7.5 Should the proposed recommendations require a feasibility study this will involve the Occupational Therapists at Essex County Council and Environmental Health Officers from the Council meeting to discuss this matter as previously described in paragraph 6.4.2 above. The Council, as a Statutory Regulator of the Housing Act 2004 is unable to allow works to take place which will result in the creation of Housing Health and Safety Rating System Hazards.
- 7.6 When sufficient financial resources are available to the Council to pay for these works, the applicant is informed by letter and asked whether they would like to use a HIA Partner to act on their behalf in all administrative and legal respects for the provision of this disabled facilities grant, or whether they want to administer and make arrangements for the preparation of an application for a Disabled Facilities Grant themselves.
- 7.7 If the disabled person is the tenant of a private landlord or Housing Association, the landlord/owner must give permission for the work to be carried out. Fixed items such as level access showers will usually become the property of the owner.
- 7.8 Should the applicant choose to use a HIA partner, a home visit will be arranged where the proposed adaptation works will be discussed, and the grant application process will be explained. A grant application form will be completed and a full Means Test will be carried out (unless the applicant is in receipt of a Passporting Benefit).
- 7.9 Once the HIA partner has discussed the specifics of the proposed adaptations with the applicant, they will draw up detailed drawings and a proposed schedule of work. The Occupational Therapist at Essex County Council is often liaised with at this stage of the process as they can help and advise in ensuring the work will meet the identified need of the applicant. These will be submitted to the Environmental Health Officers at Castle Point Borough Council for approval. Environmental Health Officers from Castle Point Borough Council will confirm in writing whether these plans and Schedule of Works are satisfactory or not.
- 7.10 Once the items in point 7.9 have been approved by Castle Point Borough Council, the HIA partner will obtain three itemised, competitive estimates for the cost of the identified works using the approved plans and Schedule of Works.
- 7.11 Applications which do not involve "Passporting Benefits" will require the financial information section of the application form to be completed. Castle Point Borough Council has deemed it appropriate that **three months** statements for each bank account held by all relevant persons must be provided with the application. Information regarding other bank equities, premium bonds, pensions received will be required to be submitted with the application.
- 7.12 There may be occasions where Castle Point Borough Council may require a further 3 months financial information in line with its commitments against fraud.

7.13 The Council expects the following information to be submitted with all applications for a Disabled Facilities Grant; namely:

- Completed application form;
- Completed Owner / Tenant / Landlord Certificate;
- Proof of Title from Land Registry;
- Any permission letters from landlord, Housing Association;
- A copy of the Occupational Therapists recommendations;
- Three estimates for adaptations proposed;
- Completed Financial Information; and
- Any fee notifications (only applicable if using Home Improvement Agency)

Once all of this information has been provided, the Council will deem the application as being “duly made.”

7.14 Environmental Health Officers at Castle Point Borough Council will make every effort to assess “duly made” applications as soon as possible. However, the Council has six months to formally approve a grant once a formal application is “duly made”; in reality we will endeavour to approve grants sooner than this. However at times of severe budget pressure there may have to be delays in the approval process to ensure spending is maintained within budget limits.

7.15 All submitted applications are checked and any quotes included are evaluated to ensure they are like for like, cover only the identified works and represent value for money. If considered excessive the Council may request the HIA or applicant to obtain further estimates. Once estimates are accepted the amount of grant offered will be based on the lower of the three estimates.

C. Approval

7.16 Once Environmental Health Officers at Castle Point Borough Council have assessed an application, they will write to the applicant advising of their decision and where appropriate include a Notice of Approval. This Notice will detail the amount of grant approved by the Council, and whether it is necessary for the applicant to make any contribution towards these costs. If the applicant has chosen to use a HIA partner, the Council will also advise them of our decision.

7.17 Any Disabled Facilities Grants works approved must be completed within 12 months of the grant approval. It is the applicants' responsibility to ensure that works are completed within this time-scale as the Council is unable to pay for works completed after the twelve month anniversary date of approval.

7.18 Once the Disabled Facilities Grant has been approved, by the Council, the HIA partner will place an order for the agreed work to be undertaken, and tell the contractor when to start. The HIA partner will monitor the completion of the work by the contractor to ensure it is undertaken to a good standard. If the applicant has submitted the application themselves, they will have to make the arrangements themselves for these works to begin, and monitor the contractor.

7.19 **Only the works approved by Castle Point Borough Council may be undertaken utilising the grant funding and any necessary planning permissions or building control consents must be sought first before beginning any works.**

- 7.20 Should any additional works be required as a result of unforeseen circumstances, these will need to be reported to the Environmental Health Officer at Castle Point Borough Council immediately for approval. Environmental Health Officers from Castle Point Borough Council will visit the applicants' premises to assess the works and determine whether they are unforeseen and necessary. Should the Environmental Health Officer deem these necessary, reasonable and unforeseen, the Council will issue a Variation Notice to the applicant advising of the additional approved works and the revised grant approval amount.
- 7.21 **Additional works carried out prior to written approval by Castle Point Borough Council will not be paid for, and these costs will need to be borne by the applicant (or HIA partner if used).**

D. Completion & Payment

- 7.22 At the completion of the works, the HIA partner will undertake a completion visit to ensure the applicant is satisfied with the works and may ask for a form to be signed confirming this. The HIA partner will submit this form, with any invoices and electrical or gas certificates to the Environmental Health Officer for processing.
- 7.23 Upon receipt of this information, the Environmental Health Officer will visit the applicant to inspect the works approved and ensure they have been undertaken satisfactorily. The Environmental Health Officer will then make arrangements to pay the contractor and HIA partner.
- 7.24 If the applicant has chosen to undertake the works themselves, they will need to submit all invoices and electrical or gas certificates to the Environmental Health Officer so that he may make arrangements to visit and process payment.

8 Prioritisation

- 8.1 All appropriate steps will be taken to minimise the waiting time before a grant case can be worked on and approved. The waiting list mechanism is kept under review to ensure it is operating as intended and as circumstances require.
- 8.2 Prioritisation of cases is based on:
- a) Prioritisation in terms of need (i.e. high/standard priority) based on the recommendation of the Occupational Therapist. (Refer to Section 6)
 - b) Date of receipt of referral report from the Occupational Therapist.
- 8.3 In the event that changes are required to the prioritisation mechanism, they will be determined by the Head of Environment.
- 8.4 The length of time someone has to wait on the list will depend on the size of the grant budget available to the Council, staff workload and the number of cases with a higher priority (i.e. High priority cases will usually be processed before standard priority cases.) Applicants will be notified in writing if there is likely to be a prolonged delay in progressing their case (which is most likely to be due to a lack of available funding.)
- 8.5 The Council however reserves the right to start processing some cases out of strict priority order in exceptional cases (as determined by the Head of Environment) for

instance, where it is determined that it is necessary to ensure efficient allocation of staff resources, or budget allocation and spend.

9 Applicant Funded Works

9.1 In some cases applicants may wish to carry out works above and beyond those that can be grant funded. This is acceptable provided the guidelines below are adhered to.

- If an alternative scheme is pursued it must meet all the mobility needs the grant would have met. To ensure this the plans must be agreed by the overseeing Occupational Therapist.
- The grant will only be based on works agreed by the Council as necessary and appropriate.
- In order to calculate the amount of grant the applicant is entitled to, three competitive estimates must be provided for the works agreed by CPBC as necessary and appropriate.
- Any unforeseen items are the applicant's responsibility.
- No interim payments will be made on alternative schemes, as it is not possible to assess from work in progress correct levels of interim payments.
- Full and final monies will only be released once all alternative scheme works are completed and an assessment can be made that the completed works fully meet the identified needs.

10 Maintenance

10.1 A Disabled Facility Grant is in effect a one off good faith payment to provide a specific adaptation. Any ongoing maintenance becomes the responsibility of the grant recipient.

11 Grant Repayment Conditions

11.1 In order to make the most of limited funding, the Property Charges introduced under The Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, provide a method for Castle Point Borough Council to reclaim a proportion of the Disabled Facilities Grants monies it paid in certain circumstances.

11.2 In accordance with this General Consent, repayment requirements will apply where the applicant disposes of the premises (whether by sale, assignment, transfer or otherwise), in respect of which a Disabled Facilities Grant was paid, within 10 years of the certified date of completion. This will apply to grants over £5000 with a maximum repayment condition of £10,000. Grants below £5,000 will be exempt from repayment.

11.3 Table 1 provides examples of how this will work.

Table 1 – Repayment Calculations

Grant £	Repayment Requirement £
30,000	10,000
25,000	10,000
20,000	10,000
15,000	10,000
10,000	5,000
5,500	500

11.4 Where a premises for which Castle Point Borough Council has approved a Disabled Facilities Grant is disposed of, the Council will normally seek to recover the value of the grant that it is legally entitled to recover. However, before requiring repayment the Council will take into account the following:

- A. Whether the recipient will suffer financial hardship were he/she be required to repay all or any of the grant;
- B. Whether the disposal of the premises is to enable the recipient of the grant to take up employment or to change the location of his/ her employment;
- C. Whether the disposal is made for reasons connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
- D. Whether the disposal is made to enable the recipient of the grant to live with or near any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

12 Discretionary Grants

12.1 There are a number of circumstances where it may be appropriate to offer help by way of a discretionary grant. For instance a discretionary grant may be considered where:

- the existing home is unsuitable for adaptations and the grant will enable the occupant to relocate to a more suitable property and this is a more cost effective solution.
- The grant awarded to an applicant is insufficient to carry out the works recommended by the Occupational Therapist i.e. the required works are in excess of £30,000 and the applicant is unable to raise the money required. For instance where a property extension is required and relocation is not a suitable or cost effective option.

12.2 The Head of Environment in consultation with both the Cabinet Member with responsibility for DFGs and the Head of Resources is authorised to agree a discretionary grant of up to £10,000 in exceptional circumstances subject to budget availability. Discretionary grants in excess of £10,000 will be determined by Cabinet.

12.2 Where payment of a discretionary grant is being considered any such course of action will be discussed with all relevant organisations including the applicant, Social Services and the Occupational Therapist. Alternative sources of funding will initially

be sought, wherever possible. A test of resources will be applied to such grants and a land charge will be put on the property where a discretionary grant is given.

- 12.3 The Council will seek to recover the value of the discretionary grant in full when the property is sold or disposed of.

13 Performance and Review

- 13.1 Overall responsibility for the performance management of the grants process rests with the Head of Environment and the Environmental Health Operational Manager assisted by the Environmental Health Team Leaders.
- 13.2 Regular meetings and reviews of the activity of the Home Improvement Agencies will take place to ensure that grants and works are carried out in accordance with the policy and to ensure excellent customer satisfaction and value for money.
- 13.3 Regular meetings are held between the Council and Occupational Therapists to discuss progress with cases and feedback any matters of concern.
- 13.4 The status of applications will be reviewed on a regular basis and queries will be raised with the appropriate organisation or officer in the case of unexplained delays at any stage of the process.
- 13.5 Regular information reports are submitted to the Council's Financial Services department which allows for the monitoring of expenditure on grants throughout the year.

14 Conclusions

- 14.1 This policy document outlines the policies and processes relating to DFGs which are designed to help elderly or disabled residents live independently in their own home or are cared for at home.

CABINET

19th June 2013

Subject: West Wood Management Plan 2012/13 Update

Cabinet Member: Councillor Burch – Leisure

1. Purpose of Report

To outline the progress made so far in the delivery of the West Wood management plan and to summarise the plans for the next year.

2. Links to Council's Priorities and Objectives

This report supports the Council priority Environment – Civic Pride

3. Recommendations

That Cabinet notes the contents of this report and agrees to support the continued implementation of the West Wood management plan.

4. Background

4.1 The Council has managed West Wood as a public open space for many years, leasing it from the Church Commissioners. The Council purchased West Wood in July 2009 with financial assistance from the then Veolia Pitsea Marshes Landfill Trust and Essex County Council. The Castle Point Wildlife Group is responsible for implementing the management plan which has been agreed by the Council.

4.2 Despite almost unprecedented amounts of rainfall last year, the Castle Point Wildlife Group (CPWG) delivered the following works during 2012/13 in line with the Council's management plan for West Wood:

- Further coppicing to the north of Prittle Brook and the creation of a conservation area for the Heath Fritillary Butterfly;
- The installation of fencing along a section of Prittle Brook;
- The restoration and shoring up of the banks where erosion was being caused by dogs climbing in and out of the brook;

- The creation of a brush fence in the outdoor classroom area around the restored pond at Hedge Lane;
- Digging and re-profiling of numerous ditches throughout the wood to drain flood water into ponds and brooks as a start to a surface water management scheme;
- The felling of trees to create a picnic area adjacent to the Heath Fritillary conservation area by the brook;
- Formation of a new pathway from the Hedge Lane entrance down to the outdoor classroom area;
- Continuation of selective felling to the south of Prittle Brook;
- The planting of over 120 saplings to replace felled trees of differing varieties to provide wildlife habitats increasing biodiversity;
- The creation of various habitats including habitat mounds for insects and invertebrates across the wood; and
- Ongoing Dormouse survey works.

The above works were completed without any Health and Safety incidents or accidents.

4.3 The works carried out by CPWG in 4.2 above were achieved with the support of the following organisations:

- CPWG has 60 members who spent approximately 1010 hours working within West Wood;
- Local residents also supplied approximately 72 hours of volunteer work within the wood;
- A local Scout Group supplied approximately 48 hours of volunteer work;
- Groundwork Trust supplied approximately 200 hours of volunteer work; and
- CPWG also gained financial support from Veolia Pitsea Marshes Landfill Trust who supplied funds for additional tools for the group and a projector to aid them in the various talks and presentations they carry out.

5. Proposals

5.1 In line with the management plan it is proposed that the works planned for 2013/14 will include the following:

- To scrape out silt and detritus from the pond at Westbourne Close;
- To create a scrape to the West of the pond at Westbourne Close and lay 2 ground drainage pipes to divert flood water into Prittle Brook;
- To remove the damaged surface by the footbridge next to the ford, lay ground drainage pipes to divert flood water into Prittle Brook and reinstate surface;
- To form a scrape South of Prittle Brook with an open depression to divert flood water into Prittle Brook;
- Top dress and compact surfaces of paths leading from Hedge Lane to the pond where eroded;

- To clear the stream from the pond at Hedge Lane maintaining an open depression to allow water to pass without obstruction to the main pond at Westbourne Close;
- Top dress and compact surfaces of main track from Daws Heath Road;
- Top dress and compact surfaces of paths to the area North of Prittle Brook;
- Remove dead limbs from trees along main walkways; and
- To way mark the main footpaths.

6. Corporate Implications

(a) Financial Implications

Following the purchase of West Wood some remaining funds donated by Veolia Pitsea Marshes Landfill Trust were retained by the Council for use within West Wood. These funds were specifically allocated for the improvement of the Wood and to assist the Council and the Castle Point Wildlife Group to implement the management plan. The remaining available funds amount to £14,600 and this money will be used this year to help deliver projects in line with the management plan.

(b) Legal Implications

The management plan ensures that the Council will manage West Wood in order to meet health and safety requirements effectively.

(c) Human Resources and Equality Implications

Human Resources

None, existing staff will work with the Castle Point Wildlife Group to implement the plan.

Equality Implications

The West Wood management plan aims to improve accessibility to the Wood for all visitors. It is the aim of the Council to increase visitor numbers to the Wood and to increase the appeal of the Wood to a more diverse audience. Metal detecting (under licence) was permitted in the wood for the first time this year and the impact of this usage is being monitored to ensure there is no adverse impact on the wood from this activity.

(d) IT and Asset Management Implications

There are no new implications arising from this report as the original management plan has not been altered.

7. Timescale for implementation and Risk Factors

It is expected that the next phase of the work set out in the management plan and summarised in this report will be completed by the end of spring 2014. The remainder of the short-term work programme as detailed in the management plan will be completed by 2015. A work programme for 2016 to 2031 will be developed during the 5 year review of the West Wood management plan in 2015.

8. Background Papers

West Wood Management Plan (August 2010)

Cabinet report - Draft West wood management Plan (January 2011)

Cabinet report - West Wood Management Plan Update report (July 2012)

Report Author: Ryan Lynch

CABINET

19th June 2013

Subject: New Local Plan Progress Report

Cabinet Member: Councillor Mrs Challis, OBE – Leader of the Council

1. Purpose

To advise the Cabinet of progress that has been made in preparing the New Local Plan.

2. Links to the Council's Priorities and Objectives

The New Local Plan contributes directly towards the Council's Regeneration and Homes and Environment-Civic Pride priorities. The way in which it is delivered will contribute towards the priority of Improving the Council.

3. Recommendation

The Cabinet notes the delay caused to the preparation of a New Local Plan by the absence of a decision in relation to the appeal for Land off Glebelands in Thundersley. The Cabinet instructs officers to report the outcomes of this appeal, and its implications for plan-making, at such time as the appeal decision is issued.

4. Background

4.1 At its meeting of February 2013, the Cabinet received a report on the progress that had been made in preparing a New Local Plan. At that meeting the Cabinet noted the work that has been undertaken on the New Local Plan since its meeting in October 2012, and instructed officers to continue to progress work on the evidence base and draft policies for consideration by Members in May 2013.

4.2 At that time, it was anticipated that the outcome of the appeal for housing on Green Belt at Land off Glebelands in Thundersley would have been issued by the Secretary of State at the start of May 2013. This was in accordance with the bespoke appeal timetable issued by the Planning Inspectorate. However, as at the time of writing this report, the appeal decision has yet to be issued, and it is not clear as to when this can now be expected.

5. Progress on the New Local Plan

5.1 Significant progress has been made by officers in preparing the evidence base for the New Local Plan, and drafting policies. However, in the absence of the Glebelands appeal decision it is not possible to complete this work. The Glebelands appeal inquiry investigated a number of matters that are significant from a plan-making perspective including:

- The robustness of the five year housing land supply agreed by the Council in December 2012;
- Whether park homes at Kings Park can be included within the supply of residential homes;
- How existing caravans at Thorney Bay Park should be included in housing land supply calculations;
- The appropriateness of the housing target of 200 homes per annum agreed by the Council in December 2012;
- Whether housing land supply requirements constitute very special circumstances for permitting development within the Green Belt in Castle Point; and
- Whether the existing Green Belt boundary on the Borough's western extent is defensible.

5.2 The Inspector's Report and Secretary of State's decision will provide commentary and opinion on these matters, which will need to be taken into account in the preparation of the New Local Plan. Therefore, in the absence of the report and decision it is not possible to finalise the evidence base or a draft New Local Plan for consultation. The Council's progress on the New Local Plan will therefore be delayed.

6. Next Steps

6.1 Once the Glebelands appeal decision has been received, a report will be prepared for the Cabinet setting out its implications for work on the New Local Plan.

6.2 It is likely that it will be necessary to amend the Local Development Scheme (the project timetable for the New Local Plan), to ensure that any issues arising from the appeal decision are fully addressed before a draft of the New Local Plan can be progressed.

7. Legal Implications

7.1 There are no legal implications emerging from this report.

8. Financial Implications

8.1 There are no financial implications emerging from this report. However, it should be noted that progressing the New Local Plan further in the absence of the appeal decision may result in financial resources being deployed on abortive work.

9. Equality and Diversity Impacts

- 9.1 This report does not require a decision that will have an impact on equality or diversity.

10. Timescale for Implementation

- 10.1 It is not possible to determine the timescales for reporting the outcomes of the Glebelands appeal and its implications for plan-making to the Cabinet at this time. The original bespoke timetable for the appeal decision has been missed, and it is not currently clear when a decision will be issued.

Report Author: Amanda Raffaelli, Senior Planning Policy Officer

CABINET

19th June 2013

Subject: The Deanes School - Essex County Council Consultation

Cabinet Member: Councillor Mrs Challis, OBE – Leader of the Council

1. Purpose

To advise the Cabinet on consultation currently underway by Essex County Council with regard to the proposed closure of The Deanes School.

2. Links to the Council's Priorities and Objectives

Education is a fundamental driver of successful economies. Therefore, matters affecting schools and education provision in Castle Point are intrinsically linked to the Council's Regeneration and Homes priority. Effective partnership working with Essex County Council, as the Local Education Authority, is essential to ensure that there is sufficient quality and choice of education provision in Castle Point to meet the needs of the current and future residents.

3. Recommendation

The Cabinet notes the consultation document issued by Essex County Council regarding proposals to close The Deanes School from 31st August 2016, and issues the following response:

The Deanes School is a valued community asset in Thundersley and Hadleigh, and Castle Point Borough Council is disappointed that the County Council is considering its closure at this time.

The empirical data regarding school rolls set out in the consultation report is noted. This clearly indicates that The Deanes School has fallen out of preference in recent years compared to The Appleton and King John Schools. However, the closure of the school overlooks the opportunities available to improve the image and the performance outcomes of the school. Additionally, there are concerns that the closure of this school will place additional pressures on The Appleton and King John Schools which are large schools that already operate close to capacity.

The Council is concerned that the empirical data set out in the consultation document has a relatively short-term perspective, with longer-term calculations only including 'known' additional housing provision. Castle

Point Borough Council is currently in the process of preparing a New Local Plan to cover the period to 2031. At this time, consideration is still being given to the location of housing provision beyond 2019, and therefore these housing sites are 'unknown' and are not reflected in the longer-term calculations included within the consultation document.

A number of potential sites are being considered for the accommodation of housing in the period beyond 2019 as part of the preparation of the New Local Plan. The majority of the sites being considered are within the Appleton/Deanes/King John School Group area, including a proposal for 450 homes immediately to the north of The Deanes School site on land to the east of Rayleigh Road.

Given that the Council has yet to conclude its work on the New Local Plan and determine the future location of housing provision in Castle Point, the decision to close The Deanes School is premature, and should not be made at this time. It should be a matter for review once the New Local Plan has been finalised. This will ensure education provision is aligned with housing growth.

Additionally, the Council is concerned that the impacts of this proposal on equality do not appear to have been assessed. There are concerns that a reduction in school places within the Appleton/Deanes/King John School Group area will increase competition for places, reducing parental choice. This may have a disproportionate impact on the equality of opportunity experience by some groups i.e. those with special education needs and those who experience deprivation.

The Council is pleased to see that the proposals affecting The Deanes School do not affect other important community facilities upon the site. The Council supports the retention of the community sports centre and nursery school on the site. The Council is also pleased to see that the relocation and reprovision of the Glenwood School will also go ahead separate to any decision made regarding The Deanes School.

4. Background

- 4.1 In 2004, the Government announced the Building Schools for the Future (BSF) programme. The Glenwood School was included within wave 4 of this programme; however due to difficulties in securing a new site for the school, it was decided to move it to wave 5 of the project and co-locate The Glenwood School and The Deanes School on the same site. The BSF programme was ceased by the Coalition Government in 2010, with neither The Glenwood School nor The Deanes School having been re-built.
- 4.2 Due to the poor condition of the existing premises, the County Council was nonetheless committed to seeing Glenwood School rebuilt, and improvements to the premises of The Deanes School. A co-location project for the sum of £22.85m was included in Essex County Council's capital programme for 2012 onwards. Bids for the project were invited in March 2013 and are currently being considered.

- 4.3 Since this project was first initiated, The Deanes School has seen a significant drop in the number of pupils on its roll, and therefore as part of the bid review process, the question has arisen as to whether it is appropriate for the County Council to spend its limited resources on a school with falling rolls.
- 4.4 The County Council has therefore given consideration to three options for the future of The Deanes School:
1. The closure of The Deanes School from 31st August 2016 with intakes ceasing from September 2014 and expansion of places at The King John and The Appleton Schools;
 2. The Deanes School continues and further reviews to take place in the future of its on-going viability in the light of demand and popularity; or
 3. The Deanes School continues and further reviews to take place in the future of its on-going viability and expansion of places at The King John and The Appleton Schools.
- 4.5 The County Council's preferred option is the closure of the school from 31st August 2016. Information regarding this proposal was released in the local press at the end of May 2013. This led to public concern over the Bank Holiday weekend, and subsequently.
- 4.6 Consultation is now underway on proposals to close the school with responses due by the 22nd July 2013. A series of meetings has been arranged by the County Council at schools within the area, including The Deanes School, to discuss the proposal.
- 4.7 Whilst consulting on the closure of the Deanes School, the County Council have indicated in the consultation document that other community facilities on the site including the sports centre and nursery will be retained. Additionally, it is still the County Council's intention to rebuild the Glenwood School on the Deane's site.

5. The evidence for closing The Deanes School

- 5.1 The consultation document for the proposal to close The Deanes School is attached as Appendix 1 to this report. This sets out evidence related to the falling rolls at The Deanes School. This indicates that rolls currently stand at 793 pupils. However, there has been a gradual reduction in the number of Year 7 pupils entering the school over the past 5 years. As a result, when the current Year 11 pupils leave (217) they will only be replaced by 74 pupils. In 2013/14 the school roll will fall to 650 pupils and is predicted to continue to decline thereafter to around 490 pupils by 2023/24.
- 5.2 Schools are funded based on the number of pupils on the school roll, and therefore the funding for The Deanes School is expected to fall, affecting the quality of educational outcomes the school is able to offer. The consultation paper therefore indicates that The Deanes School will be operating a year on year deficit from 2013/14, reaching £1.9m by 2017/18. The consultation paper indicates that schools typically need 4 forms of entry (120 pupils per year) to be successful and economically viable.

- 5.3 The data provided in the report indicates that parental preference is driving the decline in pupil numbers at The Deanes School. The size of Year 6 cohorts within the priority admissions area transferring to secondary schools over the last five years has not varied so significantly as to be responsible for the decline in numbers. Furthermore, The Deanes School has traditionally seen a flow of pupils from Southend filling its rolls. However, this has declined by over 50% in recent years also. Parents are choosing to send their children elsewhere.
- 5.4 However, there appear to be several issues associated with the assumptions underpinning the calculations set out in the consultation document. Firstly, the document assumes that the school is unpopular, and that this cannot change. There is evidence that schools can change markedly in a short period of time with the right support and investment. Castle View School and Cornelius Vermuyden are testament to this.
- 5.5 The document assumes that The King John School and The Appleton School are able to accommodate demand for school places. Both schools are academies and would need to apply to the Secretary of State to expand their rolls.
- 5.6 The calculations only include 'known' housing growth. Castle Point has not finished preparing its New Local Plan, and therefore the location of housing growth is largely 'unknown' at this time and not included within the calculations.
- 5.7 The vast majority of the sites being promoted to the Council to accommodate housing beyond 2019 are located within the Appleton/Deanes/King John School Group area. There is therefore likely to be additional need for secondary school places in this part of Castle Point that has not been accounted for in the calculations underpinning the consultation document. Indeed, one site being promoted to the Council through the New Local Plan is for 450 homes on land east of Rayleigh Road, immediately to the north of The Deanes School.
- 5.7 Work on the New Local Plan is currently underway, although delayed due to the absence of a decision on the Glebelands appeal, as reported separately on this agenda. Closing schools before a decision is made on the location of housing growth may result in a mismatch between education demand and supply.

6. Next Steps

- 6.1 The proposal to close The Deanes School would significantly reduce secondary school provision in Benfleet, Hadleigh and Thundersley placing pressure on The King John School and The Appleton School. The evidence provided to underpin this proposal does not however take full account of future housing growth in Castle Point. Until such time as housing sites are identified through the New Local Plan, any decision on the closure of The Deanes School would be premature and may result in a mismatch between demand and supply.
- 6.2 Taking these matters into account it is essential that Castle Point Borough Council respond to the consultation on proposals to close The Deanes School, indicating concerns as set out in this report.

7. Legal Implications

- 7.1 There are no legal implications emerging from this report.

8. Financial Implications

- 8.1 There are no financial implications emerging from this report.

9. Equality and Diversity Impacts

- 9.1 No Equality Impact Assessment or similar has been published by Essex County Council to accompany the consultation document. It is not therefore clear as to whether equality considerations have been taken into account in proposing the closure of The Deanes School.
- 9.2 This report recommends that Castle Point Borough Council supports a proper planned approach to the provision of school places ensuring an alignment between housing growth and education provision. If such alignment is not achieved there is a risk that competition for places within the School Group area will be high and parental choice will be reduced.
- 9.3 This may reduce equality of opportunity for some groups within the community, particularly where selective testing is used to choose a proportion of pupils. This may result in some children with special education needs being unable to access this school, reducing the choice of places they can go. Meanwhile, those experiencing deprivation may not be able to make the most of the choices available to them, particularly if travelling costs are increased by the reduced distribution of schools.

10. Timescale for Implementation

- 10.1 Responses to the consultation on proposals to close The Deanes School are required by the 22nd July 2013.

Report Author: Amanda Raffaelli, Senior Planning Policy Officer

The future of The Deanes School

Consultation on a proposal to discontinue the school with effect from 31 August 2016

June 2013



Essex County Council

The Future of The Deanes School

1. Introduction

In February 2004 the Government announced the introduction of a £55bn programme to rebuild or improve significantly the premises of the vast majority of secondary schools in the country. The programme was called Building Schools for the Future (BSF). The BSF programme was to be delivered through 'waves' with a named group of schools in each wave. A project to rebuild Glenwood School was originally included in Wave 4 of the BSF programme but in view of the difficulty of securing a new site on which to rebuild the school, it was decided that the school would move to the site of The Deanes School which was due to be rebuilt in wave 5 of the BSF programme, and new premises for both schools would be built as part of a co-location project.

However, in July 2010 the new Coalition Government announced the cessation of the BSF programme in order to help address high levels of public spending and the project to relocate Glenwood School and rebuild it in conjunction with new premises for The Deanes School was stopped. At that time the project had reached the stage of submitting an Outline Business Case to Partnership for Schools, the Government body responsible for delivering the BSF programme.

The Appleton School and The King John School also had proposed capital investment under the BSF programme withdrawn.

Given the poor condition and suitability of its existing premises, the County Council was committed to seeing Glenwood School rebuilt, and it also had a desire to improve the premises of The Deanes School. The County Council therefore decided that it wished to proceed with the co-location project, albeit in a reduced form as far as The Deanes School element was concerned, and a sum of £22.85m was included in the capital programme from 2012 onwards to fund such a project. Bids for this project were invited in March 2013 and are currently with the County Council for consideration.

This is a very significant capital project to which to commit in the current financial climate and the County Council has therefore decided to halt procurement whilst it takes the opportunity to review the situation at both schools.

Glenwood School is an outstanding (Ofsted judgement), popular and oversubscribed New Model Special School for children with severe and lifelong difficulties. Despite investment by the school the premises are in poor condition and are unsuitable in many respects. The project to rebuild the school remains a very high priority for the County Council. There have been attempts to rebuild or relocate the school for at least the last 15 years.

At the time of its most recent inspection in February 2012, The Deanes School was judged to be a 'good' school and there were 886 pupils on the school roll. In January 2013 this was 793 and for September 2013, it is estimated this will have

fallen to 650 and in the next three years it is predicted that this will fall further to below 500. The intake for September 2013 (excluding 6 statemented pupils), comprises 21 pupils living outside the areas served by the three local schools, 17 from Southend and 21 from the priority admissions area of The Deanes'. The remaining 9 pupils are from The Appleton and The King John areas. There are therefore only 30 'local' children due to start at the school.

The fall in numbers impacts on the revenue funding the school receives to meet its day to day running costs as all schools receive a budget allocation based on pupil numbers.

Given this fall in numbers, the question has arisen about whether rebuilding The Deanes School is the best use of the Council's funding. The Council is determined to use the limited funding it has to best effect as there are many competing priorities. In the light of its decision not to proceed with the capital project at this stage, the County Council has decided to undertake this consultation on a proposal to discontinue The Deanes School with effect from 31 August 2016.

For schools to achieve and maintain high educational standards, strong leadership and governance and high quality teachers are vital ingredients. This is critically underpinned by buoyant pupil numbers generating a viable budget and a secure future which gives a sound basis for future planning and development. This helps to make a school attractive to good teachers and leaders seeking to progress their careers, and to parents wanting the best for their child. If popularity is low and pupil numbers decline at a school it becomes increasingly difficult for it to maintain this position.

The County Council is committed to parental preference and ensuring every child has access to the highest quality education to ensure they have the opportunity to maximise their potential.

For these reasons the Council feels that the future of the school should be considered.

The Council considered three ways forward:

1. The closure of The Deanes School from 31 August 2016 with intakes ceasing from September 2014 and expansion of places at The King John and The Appleton schools;
2. The Deanes School continues and further reviews to take place in the future of its on-going viability in the light of demand and popularity;
3. The Deanes School continues and further reviews to take place in the future of its on-going viability and expansion of places at The King John and The Appleton schools.

Having considered these alternatives, the Council is proposing the first of these and this consultation is to invite views on this proposal. Decisions will be subsequently made in the light of the views expressed during the consultation.

As The King John and The Appleton schools are academies, they too will need to consult on their part in these proposals and obtain the agreement of the Secretary of State as necessary. They are therefore seeking views from their parents about their proposal to enlarge on a permanent basis and to admit existing pupils from The Deanes School on a transitional basis subject to a decision being taken to close The Deanes School

2. Current and future pupil numbers

The number of children at the school at the time of the census in January 2013 was as follows:

Year 7	Year 8	Year 9	Year 10	Year 11	Total
119	117	165	175	217	793

At the time of preparing this consultation document the intake for Year 7 in September 2013 is expected to be 74, of whom 6 have a statement of special educational needs. With 217 pupils leaving the school in July 2013 and 74 pupils joining in September 2013 the total roll drops by 143 to 650.

The latest predicted intakes for the school are produced using the number of pupils on roll in January of each year and historic trends in admissions from Year 6 in primary schools. The forecast pupil numbers for The Deanes are produced together with the forecasts for the other two secondary schools serving the area, The Appleton and The King John. Forecast admissions for popular oversubscribed schools are set at their published admission numbers. The current numbers on roll and forecast Year 7 numbers are rolled forward to provide the forecasts for the next year ahead and so on for later years. The Year 7 column in the table below shows the predicted intake for each school year from 2013-14 to 2023-24. The total column shows the predicted number of pupils on roll, assuming a roll forward of cohorts each year. The potential total column includes possible additional children that are predicted to be produced from known new housing developments in the area.

The predicted intakes for the three schools serving the area assume that both The Appleton and The King John will maintain their popularity and will fill and also that the pattern seen in the last three years of significant proportions of children from outside the local area taking up places will continue.

Predicted intakes and number on roll at The Deanes School							
Year	7	8	9	10	11	Total	Potential Total (including known additional housing)
2013/14	74	119	117	165	175	650	650
2014/15	94	74	119	117	165	569	569
2015/16	105	94	74	119	117	509	509
2016/17	71	105	94	74	119	463	464
2017/18	126	71	105	94	74	470	474
2018/19	73	126	71	105	94	469	476
2019/20	148	73	126	71	105	523	534
2020/21	32	148	73	126	71	450	466
2021/22	78	32	148	73	126	457	477
2022/23	117	78	32	148	73	448	473
2023/24	89	117	78	32	148	464	489

Castle Point Borough Council agreed in December 2012 a suite of strategic sites to meet the requirement for a five year housing land supply (covering the period 2014-2019). There is potential for some 550 dwellings to be built on six of these sites located in the area served by the three schools. At this stage Castle Point Borough Council has yet to determine the strategic sites that will be used to meet the requirement for the future housing land supply for the periods beyond 2019. However, any new housing is unlikely to exceed around 220 completions a year, spread across the whole of Castle Point Borough Council's area.

The predicted intakes for The Deanes fluctuate because the number of children currently in each year group in the primary schools as shown below, on which the forecasts are based, fluctuate. Despite this year on year fluctuation the current cohorts in the four main feeder primary schools over the next 7 years are not significantly different to those for the last five years.

Past Year 6 cohorts					Current cohorts						
2008	2009	2010	2011	2012	Yr6	Yr5	Yr4	Yr3	Yr2	Yr1	YrR
210	225	214	191	203	165	209	201	171	195	192	197

3. Applications and admissions

The school census of January 2013 indicated that 275 of the 793 pupils on roll at The Deanes lived in the priority admissions area for the School. This represented 35% of the total.

Of the 65% of pupils who lived outside the priority admissions area the main areas which they were drawn from were as follows:

Southend-on-Sea	234 pupils	(30%)
The Appleton and King John area	122 pupils	(15%)
Basildon area	95 pupils	(12%)
Canvey Island	43 pupils	(5%)
Other areas	24 pupils	(3%)

Whilst the largest number of pupils from outside the school's priority admissions area has come from Southend, numbers from this area have declined over the past 5 years. The numbers of pupils residing in Southend on roll at the school in each of the year groups in January 2013 were as follows:

Year 7	Year 8	Year 9	Year 10	Year 11
32	26	43	54	79

Conversely the number of pupils residing in the Basildon area has increased over the past 3 years. The numbers of pupils residing in the Basildon area on roll at the school in each of the year groups in January 2013 was as follows:

Year 7	Year 8	Year 9	Year 10	Year 11
22	25	26	6	16

The number of pupils from Canvey Island has declined over the past two years with only 5 pupils in Year 7 and 4 pupils in Year 8.

When the current Year 8 at The Deanes School was admitted in September 2011, 111 children were offered places of which 43 were in The Deanes priority admissions area, 25 were from Southend and 31 were from outside the areas served by the three schools. The remaining 12 were from the The Appleton and The King John areas.

When the current Year 7 was admitted in September 2012, 129 children were offered places, of which 39 were in The Deanes priority admissions area, 34 were from Southend and 37 lived outside the areas served by the three schools. The remaining 19 were from The Appleton and The King John areas.

There are currently 68 children offered places for September 2013 (plus 6 with statements). Of these, 21 live outside the areas served by the three schools, 17 live in Southend and 21 are in The Deanes priority admission area. The remaining 9 are from the The Appleton and The King John areas.

The figures above show that in 2011, 55 places were required for children local to the three schools, in 2012 it was 58 and for 2013 it is 30. In the same three years the numbers of first preferences for The Deanes School were 60, 67 and 57 respectively, despite over 400 applications in total.

All of the above suggests a school with relatively low popularity where intakes and rolls have declined in recent years and the local demographics do not indicate a significant or early increase in pupil numbers in the area. Equally, whilst predicted Year 7 intakes for the next 10 years fluctuate between a low of 32 and a high of 148, the pattern of admissions over recent years suggests that only about half of these will be children local to the three secondary schools in the area. The remainder come from Southend, Canvey and Basildon in the main. Schools in these areas are improving and may prove a more popular choice for local parents in the future which could impact further on this on this pattern of parental preference.

4. Standards issues

It is widely accepted that when the size of a secondary school falls below four forms of entry (120 pupils a year) it can face significant financial and educational challenges. For example, senior teachers can become over-stretched because there are fewer of them trying to do the same number of tasks as in a larger school. The school would have fewer teachers overall, and they may have to teach one, two or more different subjects. This could mean teachers having to teach outside their specialism and the quality of teaching and pupil performance could decline. The curriculum can become narrow and inappropriate for all pupils in the school. The school would be unable to achieve economies of scale and could easily run into budget problems. This makes it more difficult to provide the appropriate range of opportunities for pupils at the school.

The last draft budget plan submitted by The Deanes School on 22 April 2013 based on previous predicted intakes of pupils, plus 10%, shows the following projected annual budget deficits:

2013 -14	2014-15	2015-16	2016-17	2017-18
£208,090	£652,908	£973,455	£1,396,255	£1,947,008

These budget forecasts already assume a reduction in teaching staff in each of the financial years; 2014-15, 2015-16 and 2016-17, with reductions also in support staffing.

As the overall pupil roll falls by 143 in September 2013 this has a significant and immediate reduction of the budget from April 2014 in excess of £500,000.

5. What the proposed closure would mean for pupils at the school

If a decision was made to close the school in August 2016, there would be no further admissions to Year 7 from September 2014. This is how your child(ren) would be affected by this proposal:

September 2013		September 2014		September 2015
Year 7 at The Deanes	→	Remain and continue into Year 8 at The Deanes	→	Transfer to roll of The Appleton or The King John to start Year 9.
Year 8 at The Deanes	→	Transfer to the roll of The Appleton or The King John to start Year 9	→	Continue at The Appleton or The King John
Year 9 at The Deanes	→	Remain and continue into Year 10 at The Deanes	→	Remain and continue into Year 11 at The Deanes
Year 10 at The Deanes	→	Remain and continue into Year 11 at The Deanes	→	Leave to commence Year 12 elsewhere as now.
Year 11 at The Deanes	→	Leave to commence Year 12 elsewhere as now.		

The Appleton and The King John Schools both commence their Options in Year 9 hence the plan for children to transfer out of The Deanes at the end of Year 8. The Appleton and The King John Schools have agreed, exceptionally, to admit half each of the Year 7 and Year 8 cohorts at The Deanes as set out above. An application process will be put in place as soon as a final decision about closure is known for parents of children in Year 7 and Year 8 at The Deanes in 2013/14 so that they can express a preference for either The Appleton and/or The King John Schools. Those preferences will be considered by The Appleton and The King John School against their admission policies and places will then be confirmed for each child in preparation for transfer in September 2014 or 2015.

Parents will be free to apply for any other secondary school(s) of their preference at that stage and that will be considered against the admission policy of the schools concerned. The Appleton and The King John Schools will be supported with additional accommodation and resources to admit the additional children into Year 9 in September 2014 and 2015 and as such all children at The Deanes School in Year 8 at the end of the summer terms 2014 and 2015 will be guaranteed a place at one of those two schools to commence and complete their three year examination courses.

The County Council will work closely with The Deanes School and with The Appleton and The King John Schools to ensure that teaching and learning and all other activities are maintained and supported in the best interests of those cohorts of children completing their education at The Deanes School.

6. Future admission arrangements

Subject to approval by the Secretary of State, The Appleton and The King John Schools have agreed to modify their admission arrangements for September 2014 onwards, to include the current Deanes priority admissions area as part of

their existing priority admission areas. This is conditional upon a final decision to close The Deanes School. Parents living in the current Deanes priority admissions area would therefore have a high priority for admission to The Appleton and The King John Schools in future years. The Appleton and The King John Schools have also agreed, subject to their consultation with parents and the local community, and to a final decision to discontinue The Deanes School, to increase their published admission numbers for future Year 7 intakes by 30 places each.

A final decision to discontinue The Deanes School will not be known until mid-November at the earliest. The national closing date for applications for intakes for secondary schools in September 2014 will be 31 October 2013 so unfortunately the future of The Deanes School will not be known at the time parents of this cohort of Year 6 children (current Year 5) are required to apply for a school place. Parents will therefore be able to apply for a place at The Deanes in September 2014 if they wish. If a final decision is taken in mid-November to discontinue the School and this is not appealed by the governing body, then any preferences expressed for The Deanes School for September 2014 will be removed and all other preferences will be promoted so those applications are not disadvantaged.

If, after this consultation, a decision is made to proceed with the publication of statutory notices proposing the closure of the school, further information and guidance will be made available to this cohort of parents.

7. The Timescale and consultation process

The consultation period will run for 6 weeks from 10 June to 22 July 2013. Meetings will be held with staff, governors, School Councils, primary and secondary schools, parents and other interested parties during this period. The proposals are public and specifically distributed to all statutory consultees, i.e.:

- the governing body of any school which is the subject of proposals (if the Local Authority (LA) are publishing the proposals);
- families of pupils, teachers and other staff at the school;
- any LA likely to be affected by the proposals, in particular neighbouring authorities where there may be significant cross-border movement of pupils;
- the governing bodies, teachers and other staff of any other school that may be affected;
- families of any pupils at any other school who may be affected by the proposals including where appropriate families of pupils at feeder primary schools;
- any trade unions who represent staff at the school and representatives of any trade union of any other staff at schools who may be affected by the proposals;

- if proposals involve, or are likely to affect a school which has a particular religious character, the appropriate diocesan authorities or the relevant faith group in relation to the school;
- the trustees of the school (if any);
- MPs whose constituencies include the schools that are the subject of the proposals or whose constituents are likely to be affected by the proposals;
- the local district or parish council where the school that is the subject of the proposals is situated;
- any other interested party or such other persons as appear to the proposers to be appropriate.

During August the County Council will consider the views expressed during the consultation and the Cabinet Member for Education and Lifelong Learning will take a formal decision on whether to proceed with the publication of a statutory notice proposing the closure of The Deanes School. If there is a decision to continue towards closure, this notice will be published on 2 September 2013 and will give a further 6 week period for representations to be made. Once the notice closes on 14 October 2013 the County Council would expect to make the final decision within 6 weeks.

Once the County Council Cabinet has made a final decision, the governing body of The Deanes School has a period of 4 weeks in which to consider whether to refer this decision to the Office of the Schools Adjudicator. If the governing body chooses to do this then a final decision from the Schools Adjudicator might be expected in February 2014.

8. Other issues

Sports Facilities - the intention will be over the next three years to find a way to continue to manage the very well-used sporting facilities currently managed by the school and for them to be provided to the local community during the day, outside school time and in school holidays.

The Enchanted Wood Day Nursery - the nursery currently located on the Deanes site is managed by a company independent of The Deanes School so would be expected to continue in its current form.

Home to School Transport – Essex County Council meets school transport costs for those children of statutory secondary school age who live at least three miles away from, as measured by the shortest available walking route, and attend their designated local secondary school. Free school transport will be provided for pupils who gain a place at a school that is closer than their designated local school as measured by the nearest road route but is at least three miles away from where they live. In a case where there are two designated schools for a home address the child would be required to reside closer than both schools in order to qualify.

The right to free home to school transport is extended to children aged 11 or over who are entitled to free school meals or whose parents receive their maximum working tax credit, where they are attending one of the three nearest qualifying schools as determined by the County Council and they reside between 2 and 6 miles from that school. In these circumstances transport is provided but is reviewed each academic year on the basis of evidence of the benefit received.

Glenwood Special School – The County Council is committed to enlarging and providing new buildings for Glenwood School and a project to do this will proceed. We would still like this to be achieved on The Deanes site. The Deanes School is a foundation school and as such the freehold of the site and the buildings are held by the governing body so discussions will continue with the governing body throughout this process.

9. How to make your views known

You are invited to respond to this consultation using the following electronic survey form:

<https://www.surveymonkey.com/s/thedeanesschool>

Alternatively, you may wish to write to or e mail us with your comments to the address given below by Monday 22 July 2013. All comments received through these mechanisms or made directly to council officers or members will be collected to be included in the analysis of feedback received.

The County Council has arranged a number of meetings during June and July at which parents, staff, schools and the wider community can ask questions and make their views known. The details of these meetings are as follows:

Date and time	Title	Venue
20 June 2013 7.30pm	Meeting for parents/ carers of pupils and prospective Year 7 pupils of The Deanes School	The Deanes School (Sports Hall)
26 June 2013 7.30pm	Public meeting for the local community and other interested parties	The Deanes School (Sports Hall)
27 June 2013 7.00pm	Meeting for parents/ carers of pupils and prospective Year 7 pupils of The King John School	The King John School (School Hall)
1 July 2013 7.00pm	Meeting for parents/ carers of pupils and prospective Year 7 pupils of The Appleton School	The Appleton School (School Hall)
4 July 2013 6.00pm	Meeting for parents/ carers of pupils at Glenwood School and the wider school community	Glenwood School
4 July 2013 7.30pm	Meeting for parents/ carers of pupils at local primary schools	Montgomerie Primary School

This information is issued by **Essex County Council, Schools, Children and Families.**

You can contact us in the following ways:

By email: **admin.strategy@essex.gov.uk**

By post: **Essex County Council, School Organisation and Planning PO Box 4261, County Hall, Chelmsford, Essex CM1 1GS**

Visit our website: essex.gov.uk

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

Published 10 June 2013

CABINET

19th June 2013

Subject: Lower Thames Crossing Options Consultation

Cabinet Member: Councillor Mrs Challis, OBE – Leader of the Council

1. Purpose

To advise the Cabinet of consultation under way on options for a Lower Thames Crossing, and to seek authority from the Cabinet for a response to this consultation.

2. Links to the Council's Priorities and Objectives

Castle Point sits within the wider south Essex economy. It is essential that the right infrastructure is put in place to enable economic growth within south Essex. Therefore, the provision of a Lower Thames Crossing has the potential to contribute towards the Council's Regeneration and Homes priority. It is appropriate that the Council respond to consultation on options for its location in order to seek to influence the decision making process at the Government level and maximise local benefits.

3. Recommendation

It is recommended that the Cabinet agrees to the submission of a consultation response on options for the location of a Lower Thames Crossing that indicates support for Option C: connecting the M2 with the A13 and the M25 between junctions 29 and 30. This support is subject to efforts being made to limit environmental harm through the selection of the least environmentally harmful style of crossing, and through careful detailed design.

4. Background

- 4.1 The existing river crossing capacity in the Lower Thames area - the Dartford-Thurrock crossing - is operating above the capacity it was designed for, and there is already serious congestion at the crossing with negative consequences for the economy both locally and at a national level. This crossing forms a key route within the strategic road network. It completes the orbital route of the M25 around London and provides the only Thames river crossing east of London. In

addition, the Dartford-Thurrock crossing is located in the Thames Gateway area, where significant growth is expected.

- 4.2 The Government has indicated that it is committed to tackling congestion at the Dartford-Thurrock crossing. Free-flow charging technology is currently being procured in order to reduce delays at the toll plazas. However, it is not thought that this alone will provide sufficient capacity to accommodate a growing economy.
- 4.3 The Government therefore identified the need for a new Lower Thames crossing in the National Infrastructure Plan 2011. It was in the top 40 infrastructure projects listed within the plan, and a commitment was made to reviewing and consulting on options for the location of a new crossing.
- 4.4 Technical work has now been completed by the Department for Transport. This technical work has confirmed the need for additional river crossing capacity to the east of London, and has identified three technically feasible options for providing this capacity. It is these options that are the subject of the current consultation.

5. Location Options for a Lower Thames Crossing

- 5.1 The three options currently being consulted on are as follows:
 - Option A: at the site of the existing A282 Dartford-Thurrock river crossing
 - Option B: connecting the A2 with the A1089 with a crossing corridor west of Gravesend and Tilbury
 - Option C: connecting the M2 with the A13 and the M25 between junctions 29 and 30, with a crossing corridor east of Tilbury
 - Option C variant: would additionally widen the A229 between the M2 and M20
- 5.2 A map showing these options is attached as Appendix 1 to this report.
- 5.3 Each option has been through business case development in accordance with the HM Treasury's *The Green Book* to show whether each of the options is:
 - supported by a robust case for change that fits with wider public policy objectives – the 'strategic case';
 - demonstrates value for money – the 'economic case' which covers economic, environmental and social impacts;
 - commercially viable – the 'commercial case';
 - financially affordable – the 'financial case'; and
 - achievable – the 'management case'.
- 5.4 An impact assessment was also undertaken. The table below shows the matters considered as part of this assessment:

Table 6.1 Impacts assessed		
Economic	Social	Environmental
Impacts on business users	Impacts on consumers (users for personal and commuting trips)	Exposure of population to noise
Congestion and resilience	Distributional impacts on different income groups	Air quality
Wider economic impacts	Impacts on accident numbers	Greenhouse gas emissions
Regeneration		Townscape/landscape and heritage
		Habitats and biodiversity
		Water

- 5.5 Appendix 2 of this report includes a full tabulated summary of the outcomes of the impact assessment for each of the options.
- 5.6 Cost-Benefit analysis was also undertaken in order to determine the value for money of each proposal. This was calculated twice. The first calculation focused on direct costs and benefits associated with each scheme, whilst the second calculation included wider economic considerations also. The following table shows the results of this assessment. Figures in excess of 1 show a positive cost-benefit ratio where benefits outweigh costs. The greater the figure is the greater the level of benefit likely to be achieved.

Table 7.2 Comparison of costs and value for money				
	Option A	Option B	Option C	Option C _{variant}
Estimated capital cost range	£1.2bn – £1.6bn	£1.8bn – £2.2bn	£3.1bn – £3.2bn	£4.9bn – £5.0bn
Indicative BCR without wider impacts	1.0 – 1.8	0.5 – 0.8	1.2 – 1.3	1.2
Indicative BCR with wider impacts	1.4 – 2.4	1.1 – 1.7	1.9 – 2.0	1.7

6. Implications of the Options for Castle Point

- 6.1 It should be noted that none of the proposed options are within Castle Point. Each of the options proposed enter and leave Essex within the borough of Thurrock. Therefore, there are no direct implications emerging from these options for Castle Point.
- 6.2 The implications for Castle Point are therefore focused around impacts of each option on the strategic highway network within the wider south Essex area, and the impacts of each option on the local and sub-regional economy. The Council may also have a view on environmental matters affecting a wider area.
- 6.3 Option A proposes an additional crossing adjacent to the existing crossing between Dartford and Thurrock. It therefore relies on many of the existing key junctions, and does not disperse the additional traffic crossing the river more

widely across the strategic highway network. It is therefore expected that additional congestion will occur on the A13 and around junction 30/31 of the M25. Furthermore, the economic benefits are likely to be less significant compared to the other options. This option is therefore likely to see Castle Point residents commuting within south Essex and to London experience increased congestion without seeing much in the way of additional economic growth. This option is however the cheapest, and has the least impact on the natural environment resulting in a reasonable cost-benefit ratio.

- 6.4 Option B routes an additional crossing through the urban area of Thurrock between the A2 and the A13. It is therefore expected that there will be significant additional traffic on the A13 which is likely to impact on Castle Point residents commuting within south Essex and into London. The expected level of congestion is likely to be such that greenhouse gas emissions will increase as a result of this option. There are also expected to be impacts on the natural and historic environment due to the location of this crossing point, which passes through the Swanscombe peninsula. The cost-benefit ratio in relation to this option is less than 1, indicating that the costs outweigh benefits. However, benefits of this option to the wider economy increase this ratio to between 1.1 and 1.7 indicating that the Castle Point economy may benefit from option B.
- 6.5 Option C is the mostly eastwardly location proposed. It provides a link between the M2 and a new junction on the M25, with an additional link to the A13. This option is likely to provide the most congestion relief and greatest reduction in journey times resulting in a reduction in greenhouse gas emissions. Due to the strategic nature of the route proposed, it is also expected to provide the greatest economic and business benefits. It is however the longest route, passing largely through undeveloped land that is designated as Green Belt. A route at this location would also pass through environmentally sensitive areas, including the Kent Downs Area of Outstanding Natural Beauty, ancient woodland and the Thames Marshes Ramsar site, where development would need to be proven to be of 'overriding public interest' before it could go ahead. Overall, Option C would result in the greatest impacts on environmentally sensitive areas of all the options. Due to the costs associated with building a longer river crossing and the potential impacts on the natural environment, this option has a cost benefit ratio which is positive, but less so than Option A. The cost benefit ratio does however increase significantly once wider economic benefits are taken into account.
- 6.6 Option C variant proposes additional roadworks in Kent to improve the link between the M2 and the M20. This is likely to be important for authorities in Kent due to the need for lorries to access the ports and Eurotunnel services in south Kent. The inclusion of this link reduces the overall cost-benefit of Option C, although would still result in beneficial outcomes.

7. Recommended Response to the Consultation

- 7.1 Taking into account the likely impacts of these proposals on the strategic highway network in south Essex and the potential benefits for the local economy, it is recommended that the Council supports Option C, with the Option C variant also being a suitable option.

- 7.2 In supporting Option C, it is recognised that there will be environmental consequences. The Council should therefore encourage the Government to ensure that the style of crossing (bridge, immersed tunnel or bored tunnel) is fully investigated in order to identify the option that will ensure the least environmental harm. Additionally, further avoidance of harm and appropriate mitigation should be sought through the detailed design of the approaches to the crossing, as well as the crossing itself.

8. Next Steps

- 8.1 The Government has indicated that it will make a decision on the preferred crossing location in the autumn of 2013. Following this, work will be undertaken to develop the scheme for the preferred location in detail. Consultation will then be undertaken on the detailed proposals once they have been prepared.

9. Legal Implications

- 9.1 There are no legal implications emerging from this report.

10. Financial Implications

- 10.1 There are no financial implications emerging from this report.

11. Equality and Diversity Impacts

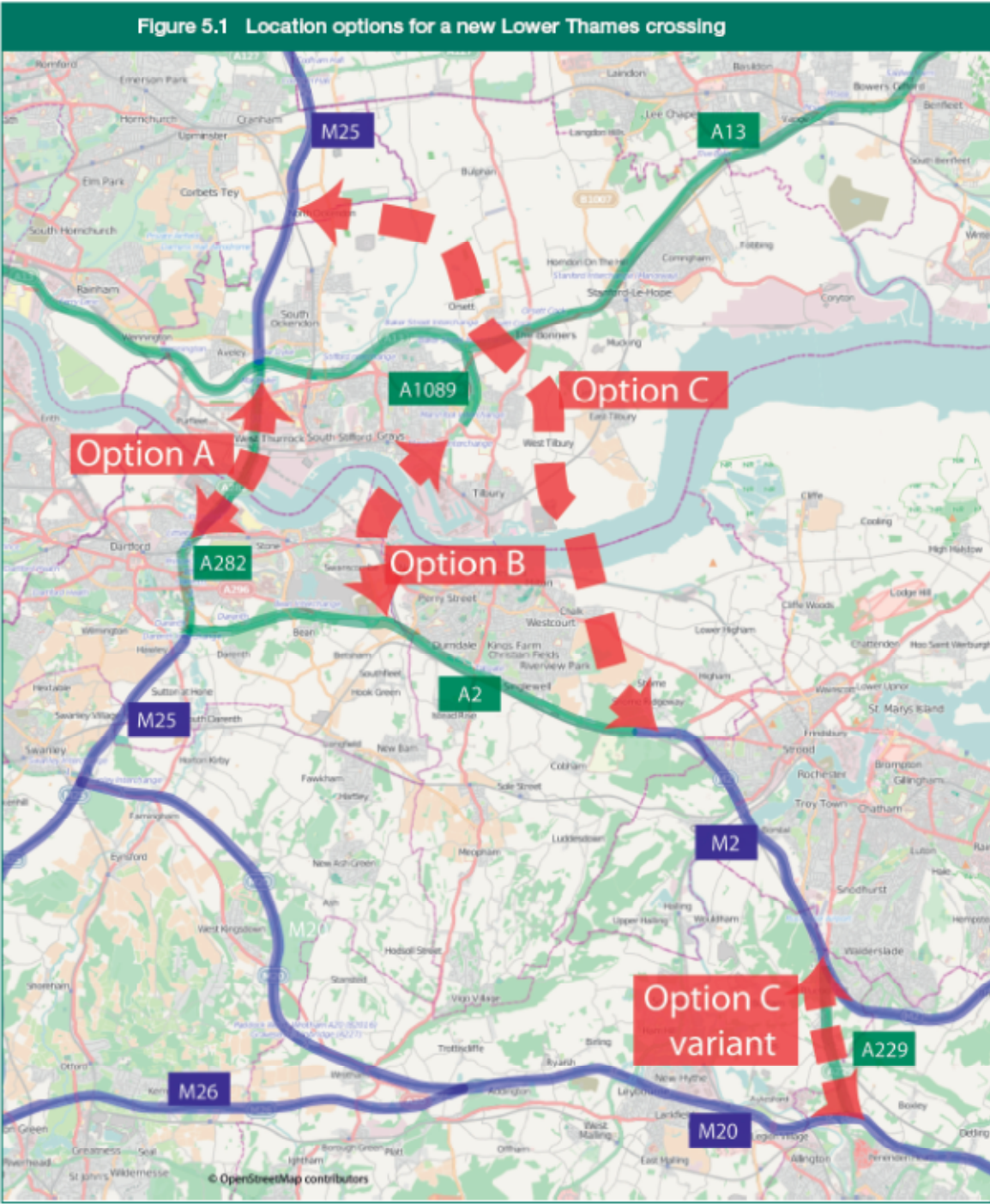
- 11.1 This report does not require a decision that will have an impact on equality or diversity.

12. Timescale for Implementation

- 12.1 Responses are sought in relation to this consultation by the 16th July 2013. It is therefore recommended that the Cabinet make a decision in relation to the consultation response they wish to submit at this Cabinet meeting in order to meet this deadline.

Report Author: Amanda Raffaelli, Senior Planning Policy Officer

Appendix 1: Map of Lower Thames Crossing Options



Appendix 2: Summary of Lower Thames Crossing Location Options Impact Assessment

Key to Table 7.1

✓✓	Very positive impact
✓	Positive impact
—	No discernible impact
x	Negative impact
xx	Very negative impact

Table 7.1 Summary guide to the relative merits of the location options

(Based on assessment of forecast impacts over 60 years, except where year is otherwise indicated)

	Option A	Option B	Options C and C _{variant}	Location of information
	Impact	Impact	Impact	
Contribution to the national economy				
Time saved to business users	£700m ✓	£1,100m ✓	£1,900m–£2,600m ✓✓	Tables 4.4–4.7, Final Review Report
Wider economic benefits	£250m ✓	£600m ✓	£1,200m–£1,500m ✓✓	
Improved connectivity (by 2025)	500 jobs relocated to the Thames Gateway area ✓	2,100 jobs relocated to the Thames Gateway area ✓✓	3,000–3,200 jobs relocated to the Thames Gateway area ✓✓	
Journey times using new crossing	New crossing would be located next to existing crossing, so see commentary below	Shortened between some towns in Essex and Kent if new crossing used ✓	Many journeys shortened when new crossing is used, both within the south east and nationally ✓✓	Table 4.2, Final Review Report
Congestion and resilience of the crossing and the strategic road network				
Conditions at existing crossing (2041)	Operates at 75% capacity or less than capacity, which should result in uncongested conditions ✓✓	Operates at around 90% capacity, occasional queues ✓	Operates at around 90% capacity, occasional queues ✓	Table 4.4, Final Review Report
Journey times using existing crossing (2041)	7 minutes shorter in evening peak ✓✓	5 minutes shorter in evening peak ✓✓	5 minutes shorter in evening peak ✓✓	Section 4.4, Central Forecasts and Sensitivity Tests Report
Queues at existing crossing (2041)	Shorter queues in northbound direction in the evening peak ✓	Shorter queues in northbound direction in the evening peak ✓	Shorter queues in northbound direction in the evening peak ✓	

Table 7.1 Summary guide to the relative merits of the location options				
(Based on assessment of forecast impacts over 60 years, except where year is otherwise indicated)				
	Option A	Option B	Options C and C _{variant}	Location of information
	Impact	Impact	Impact	
Resilience on other parts of the strategic road network	Delays on A13 eastbound are worsened XX Delays on A229 northbound are slightly worsened X Potential for additional congestion around M25 junctions 30 and 2 X	Delays on A13 eastbound are worsened east of Basildon X Delays on A229 northbound are slightly worsened X Adds pressure to A2 X	Delays on A13 eastbound are slightly improved ✓ Delays on A229 are worsened in both directions by Option C XX Delays on A229 are improved in both directions by Option C _{variant} ✓✓	Figures 4.7–4.8, Final Review Report and section 8.5, Final Review Report
Number of accidents	Accidents are forecast to increase across the area due to the increase in total traffic predicted due to the provision of a new crossing			Tables 4.4–4.7, Final Review Report
	Increases by 26,000 over 60 years X	Increases by 58,000 over 60 years X X	Increases by 60,000–62,000 over 60 years X X	
Contribute to reducing greenhouse gas emissions				
Greenhouse gas emissions over 60 year period	Reductions of 693,000 tonnes ✓	Increased emissions of 1,300,000 tonnes X	Reduction of 6–8 million tonnes due to many journeys being shortened ✓✓	Tables 4.4–4.7, Final Review Report
Avoid unacceptable impacts on environmentally sensitive areas and improve quality of life				
Impact on landscape/ townscape and heritage	Least adverse impacts of the location options X	Moderate to large adverse impacts, including proximity to housing south of Grays XX	Largest adverse impact of the location options, including significant impacts on land designated as Green Belt north and south of the Thames XX	Table 4.8, Final Review Report

Table 7.1 Summary guide to the relative merits of the location options				
(Based on assessment of forecast impacts over 60 years, except where year is otherwise indicated)				
	Option A	Option B	Options C and C _{variant}	Location of information
	Impact	Impact	Impact	
Habitats and biodiversity	Slight to large adverse impacts X	Moderate to large adverse impacts X	Very large adverse impacts XX	Table 4.8, Final Review Report
Numbers of people affected by noise (by 2015)	Smallest net increase of the location options of 245 people X	Middling net increase of the location options of 1,857 people XX	Largest net increase of the location options of 1,769-1,932 people XX	Tables 4.4–4.7, Final Review Report
Impacts on air quality (2025)	Improvements in local air quality for a greater proportion of zones (road links) than deterioration. Air quality may deteriorate at Dartford and Thurrock AQMAs.	Improvements in local air quality for a greater proportion of zones (road links) than deterioration. Air quality may deteriorate at AQMAs adjacent to A226 and Bean Interchange.	Improvements in local air quality for a slightly greater proportion of zones (road links) than deterioration. Air quality may deteriorate at AQMAs adjacent to the A2.	Table 4.12, Final Review Report
Avoid unacceptable impacts on committed development				
Impacts on committed development	Possible impacts on a number of planned developments within Dartford and Thurrock X	Impacts on development sites within Ebbsfleet Valley development area XX	As most of the area is designated as Green Belt, there is limited development in the area —	Chapters 5–8, Design and Costing Report

CABINET

19th June 2013

Subject: Corporate Performance Scorecard Quarter 4 2012/13

Cabinet Member: Councillor Dick – Responding to Challenge

1. Purpose of Report

To set out the cumulative performance figures for the Corporate Performance Scorecard for quarter 4, 1st April 2012 to 31st March 2013.

2. Links to Council's priorities and objectives

The scorecard is explicitly linked to the Council's priorities.

3. Recommendations

That Cabinet considers any performance issues set out in section 5 of this report and directs officers accordingly.

4. Background

- 4.1 The Corporate Performance Scorecard for 2012/13 is a continuation of the one approved by Cabinet for monitoring in 2011/12, although the indicator monitoring the progress of the playground renewal programme is no longer reported as this programme is now complete.

5. Report

5.1 Summary of performance

- 5.1.1 The performance summary in Appendix 1 sets out the performance achieved by the Council against the measures in the scorecard. Overall progress is good with targets being met in most cases.

Environment

Recycling in the Borough continues to be a success with over 9650 tonnes of waste recycled over the course of the financial year that otherwise would have been sent to landfill.

The food waste collection service which was launched in July 2011 has established itself well across the Borough with an average of 660 tonnes of green waste (garden and food waste) collected and composted each month over the year. Over half (56%) of the household waste collected is now recycled or composted rather than being sent to landfill.

Regeneration and Homes

The Housing Options team's excellent record on preventing homelessness has been further improved with 135 cases of homelessness prevented in 2012/13, which exceeds the target set.

The number of new dwellings completed in the Borough over the year was 75, below the number required to meet projected housing need.

There were no further affordable dwellings delivered in quarter 4 although the 22 delivered in quarter 1 of this year is an improvement on the same period in 2011/12. However, this is still below the number required if the Council is to successfully provide sufficient affordable housing to meet need.

The Council's Planning Service has implemented some service changes and has experienced some capacity issues during 2012/13 which has impacted on performance across all types of planning applications that it determines. Consequently a business process review of the service is planned.

Improving the Council

The Council's First Contact team has again been very successful in limiting the number of calls that they have to transfer to the back office to be dealt with; just 5,100 of the 85,000 calls received had to be transferred.

The Council has continued to manage its finances well and has continued to make efficiency savings to balance the budget without a need to draw on reserves.














Community Safety

The Council has continued to work well with the Police and other agencies to reduce crime across the Borough. Work has been successful in reducing crime as well as reducing antisocial behaviour. The confirmed number of incidents of crime recorded for the year 2012/13 represents a decrease of 556 incidents (14.38%) when compared to the previous year, a significant reduction. Furthermore incidents of anti-social behaviour also decreased by 537 (22%) when compared to the previous year.

Food hygiene standards across the Borough as measured by the Food Hygiene Rating Scheme continues to perform well as 378 of the 413 establishments registered (92%) scored at least 3 points which indicates broad compliance with food hygiene law.

- 5.1.2 Table 1 shows the indicators that have been flagged as either red or amber at the end of the quarter or where expected outcome at the end of the financial year based on performance to date is red or amber.

Table 1 – Performance indicators that are either amber or red

Performance indicator code and description	Q1 status	Q2 status	Q3 status	Q4 status
<i>Environment</i>				
NI192b % of Household Waste Composted (including food waste)				
<i>Regeneration and Homes</i>				
NI154 Net additional homes provided				
NI155 Number of affordable homes delivered				
NI157 a,b&c Planning application processing performance	-	-	-	
<i>Improving the Council</i>				
All indicators on target				
<i>Community Safety</i>				
All indicators on target				

- 5.1.3 Explanations for underperformance together with corrective action being taken are presented in Appendix 1. Where performance is on or above target, commentary has been added to some of the indicators to provide context to this performance.

5.2 Review of Performance Indicators

- 5.2.1 A review of the performance indicators used for the scorecard is currently in progress and a new set of indicators will be proposed at the July Cabinet Meeting.

6. Corporate Implications

a. Financial implications

Good performance on some indicators can lead to reduced costs (e.g. higher recycling leads to a reduction in payments for sending waste to landfill)

b. Legal implications

There are no direct legal implications at this stage.

c. Human resources and equality

There are no direct human resource or equality implications at this stage.

d. Timescale for implementation and risk factors

Monitoring of the Corporate Performance Scorecard is ongoing throughout the year.

7. Background Papers:

None

Report Author: Craig Watts ext. 2419 crwatts@castlepoint.gov.uk

CABINET

19th June 2013

Subject: Newport Paper Company Ltd – Contract for provision of a material recycling centre for kerbside comingled waste collection

Cabinet Member: Councillor Stanley – Corporate Policy Resources and Performance Councillor Howard – Waste, Flood and Water Management

1. Purpose of Report

To advise of a variation to the contract the Council has with Newport Paper Company Ltd following a global downturn in the value of comingled waste, the financial implications for the Council and to seek agreement to a drawdown to cover the reduction in recycling income.

2. Links to Council's Priorities and Objectives

This report links with the Council priority Environment – Civic Pride

3. Recommendations

That the Cabinet notes the contents of this report, and agrees that the reduction in recycling income will be drawdown from General Fund reserves. The implications of this will be reflected in the next financial forecast report.

4. Background

- 4.1 The Council has a contract with Newport Paper Company Ltd for the collection of kerbside comingled household waste from a central collection point. The contract came into effect in October 2008 for an initial period of four years with the option to extend for up to a further two years. At the start of the contract the Council was required to pay the Contractor £10 per tonne.
- 4.2 There is provision to vary the terms of the contract and the payment terms have been varied several times since 2008 in response to the volatility of the recycling markets and the fluctuating value of recycle.
- 4.3 There has been a large global downturn in the value of the material collected by Newport over the last year or so and the Council has had to, in the absence of any other viable solution, agree to a reduction in income received for the material collected by Newport.

- 4.4 The variation to the contract has resulted in a reduction in the payment due to the Council from 21 January 2013 for the remainder of the contract i.e. until October 2014. The variation also includes a condition that there will be a review of market prices every six months, commencing October 2013. If there is any upward turn in the market, the payment to the Council will be increased to reflect in full the increase in the market rate, with the enhanced payment due to it commencing from the 1st day of the following month. It was a further condition that the payment from the Contractor shall not fall, under any circumstance, below the rate that has been agreed for the remainder of the contract period.
- 4.5 The Council reserved the right to terminate this agreement at any time between now and the expiry of the contract on 19th October 2014, should it be able to secure a more financially advantageous agreement with another provider.
- 4.6 Officers are continuing to explore alternative options with a view to securing a more financially beneficial agreement than is currently in place.

5. Corporate Implications

(a) Financial Implications

The shortfall in income from 21st January to 31st March 2013 (approximately £27k) has been met from within other income surpluses or reductions in expenditure across the refuse and recycling service for that financial year.

However, based on an estimated annual tonnage of 7,400 tonnes, the reduced payment per tonne will result in a reduction in income of £148k in 2013/14, and £78k in 2014/15. A drawdown from General Fund reserves of £226k is therefore requested in order to compensate for the reduction in the income budget. Any subsequent increase in income above the agreed payment per tonne will be returned to reserves.

The financial forecast already reflects a reduced payment per tonne from October 2014. No change to budgets beyond 2014/15 is required at this time.

(b) Legal Implications

Newport would have been in breach of its agreement with the Council if it did not honour the payment that had been agreed in return for the contract extension, and the Council might have been able to pursue damages against the Contractor. However if the company were to fall into financial difficulty it is unlikely the Council would be able to recoup all or any of the losses it had made. Terminating the contract for breach of contract would have put the Council at risk of not having a contractor to support its recycling services.

(c) Human Resources and Equality Implications

None associated with this report.

6. Timescale for implementation and Risk Factors

The contract variation takes effect from 1 January 2013 and is intended to protect the Council from further unplanned loss of income for the duration of the contract; however the volatility of recycling markets means this cannot be guaranteed.

7. Background Papers

Contract dated 7th October 2008

Supplemental Agreement 18th June 2009

Supplemental Agreement 14th September 2011

Supplemental Agreement 8th December 2011

Report Author: Trudie Bragg, Head of Environment

CABINET

19th June 2013

Subject: Update on Safer Communities Initiatives

**Cabinet Member: Councillor G Isaacs
Neighbourhoods and Safer Communities**

1. Purpose of Report

This report is to update the Cabinet on the position with neighbourhood and safer community matters.

2. Links to Council's priorities and objectives

The initiatives described in this report are directly linked to the Council's Community Safety priority – reducing levels of crime by working with the police and other parties – and the Improving the Council priority by engaging the community in local decision-making.

3. Recommendation

That the Cabinet notes the current position with neighbourhoods and safer community matters set out in the report.

4. Background

4.1 The Council is an integral partner in a number of key partnerships across the Borough.

4.2 The Local Strategic Partnership (LSP) for Castle Point and Rochford works as an overarching strategic body ensuring the delivery of the Sustainable Community Strategy. In particular the "Feeling Safer" ambition involves the police, probation officers and other partners.

4.3 The Community Safety Partnership (CSP) is a statutory partnership established by the Crime and Disorder Act 1998. It is a partnership between the police, local authorities, the probation service, health authorities, the voluntary sector, local residents and businesses. The Council is a leading partner in the Castle Point and Rochford Community Safety Partnership.

5. Progress and activities

- 5.1 Nick Alston, the Police and Crime Commissioner (PCC) for Essex will be holding two public meetings in this area. The dates are Thursday 27th June from 4pm–6pm at Hadleigh Old Fire Station and Thursday 7th November from 6.30pm–8.30pm at the Paddocks Community Centre Canvey Island.
- 5.2 The PCC recently announced a New Initiatives Fund of £500,000.. Bids must contribute towards the priority areas set out in the PCC's Police and Crime Plan. Any agencies can apply and the closing date was 10th May. The CSP submitted several bids.
- 5.3 The CSP has already been awarded £13,000 from the PCC towards initiatives to address its priority areas for 2013/14.
- 5.4 Partners in the community safety field and other groups will be promoting their activities at the Castle Point Local Strategic Partnership Open Summer Community Day on Saturday 29th June at Hadleigh Old Fire Station, from 1pm to 3pm.

6. Corporate Implications

a. Financial implications

There are no financial implications arising from the recommendations in this report.

b. Legal implications

There are no legal implications arising from the recommendations in this report.

c. Human resources and equality implications

There are no human resource or equality implications arising from the recommendations in this report.

d. Timescale for implementation and risk factors

The projects described in this report are on-going matters.

7. Conclusions

The Council continues to carry out regular engagement on a variety of matters to ensure the safety of communities in Castle Point.

Background Papers:

None

Report Author: Melanie Harris - Head of Partnerships and Safer Places