

New Ferry Explosion Scrutiny Review

**A report produced by the Business Overview and Scrutiny
Committee**

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1.0 Introduction



On Saturday 25th March 2017 a gas explosion injured 81 people, destroyed 6 businesses including a dance school in New Ferry, made 86 people homeless and caused severe damage to hundreds of properties around the Boundary Lane, Bebington Road and Port Sunlight areas.

The blast, heard across Merseyside, instigated a huge response from the emergency services, the Local Authority and partner agencies, on a scale not seen in Wirral during peacetime. The most seriously injured victim was left with brain damage, facial fractures and life changing disabilities. Many others were injured in the blast and have also suffered trauma. There was significant damage done to properties in the area and many have remained uninhabitable since. The original blast site and immediate surrounding area were destroyed.

The blast site was quickly identified as a crime scene and on 23rd October 2019 Pascal Blasio was unanimously convicted of causing an explosion likely to endanger life or cause serious injury to property and fraud involving an insurance claim. He was sentenced to 20 years imprisonment.

A report brought to Business Overview and Scrutiny Committee on 17th September 2019 aimed to answer questions regarding the aftermath and recovery taken by Wirral Borough Council. The report gave an overview of the immediate response and recovery operations. However, Members felt that there were still questions which needed to be asked. The report also aims to highlight the lessons learned and make recommendations based on the findings.

The Committee agreed that an invitation to join the panel should be extended to all non-executive Members and representation should be taken from as many parties as possible. The below panel was agreed which represented a variety of experience and skills.

It was agreed during the scoping meeting that the focus of the review should aim to answer concerns and complaints raised by victims including residents and traders, and the recommendations should focus on assisting victims and communities during future incidents.

A great deal of work has already been done by the community in compiling victim statements. These testimonies and other information can be found on the website www.newferryexplosion.com

The review panel decided to use this as a point of reference as well as inviting victims to contribute their experiences. The panel would like to extend their gratitude to the community of New Ferry for their assistance in facilitating and contributing to this review during what remains a difficult time.

Members

Councillor David Mitchell (Chairperson) – Liberal Democrat, Eastham.



Councillor Jo Bird – Labour, Bromborough



Councillor Mike Collins – Conservative, Pensby and Thingwall



Councillor Steve Hayes – Green Party, Birkenhead and Tranmere



2.0 Report Overview

Further to the report brought to Business O&S Committee on 17th September 2019, members highlighted a need to ensure that all lessons had been learned and requested a review into the aftermath of the incident.

The Business O&S Committee on 17th September 2019 resolved:

(2) That a Scrutiny Review Panel be established to look at the lessons to be learnt from the New Ferry incident and that dependent on the results of the review the Panel then look at a major incident procedure and protocol.

Members then met in early October to agree to the scope of the review and the proposed outcomes.

Scrutiny Outcomes:

- *To ensure that all necessary steps have been taken to address the needs of residents, traders and other people affected by the incident.*
- *To consider what improvements can be made by the council and partner organisation in their response to future disasters.*

2.1 Methodology

It was agreed that the review should be informed by stakeholder sessions and questions submitted to partner agencies. The Panel agreed early on that the Residents and Traders of New Ferry should be included within the review to ensure their concerns are documented and addressed. As such, local ward Councillor Jo Bird invited fellow scrutiny panel Members to observe a Public Meeting she facilitated in New Ferry: 'After the Trial, What Next'?

It was agreed to invite Residents and Traders to individual sessions with the panel to address their individual concerns. However, it should be noted that many of the traders are also residents, so their concerns are highlighted separately in the relevant sections. In order to ensure that the Panel reached as wide a number of people as possible, a mail shot was sent to everyone who received payment from the Hardship Fund. This included several questions on the reverse of the mailshot which enabled those who were not able to attend to contribute.

This was followed with a series of stakeholder sessions with the first responders and senior officers. Members also sought the input of various other stakeholders, partner agencies, officers and Councillors as well as Former Members of staff. Merseyside Police and Merseyside Fire and Rescue were asked to contribute to the review; however, they were unable to attend.

3.0 Scrutiny sessions

3.1 Public meeting

On 24th October 2019 the panel attended a Public Meeting in New Ferry, the agenda of which is attached as an appendix to this report. The meeting was held with an aim of updating residents and traders on the situation. It is notable that the previous day, the 23rd October 2019 the defendant Pascal Blasio had received a prison sentence following a retrial.

“The victims found attending was very difficult and difficulties remain for those who must live in the community and see the effects every day. But we see it as a good result”

An officer from the Major Growth and Housing Delivery Team was also in attendance to give an update on the regeneration of the area.

They presented an item on the long-term regeneration of New Ferry and gave an update on the various funding allocations. This included a grant from the Metro Mayor which has been allocated to New Ferry and Liscard. He also discussed the New Ferry Community land trust, which LCR are keen to support.

Also discussed was the Strategic Acquisitions programme. Some landlords have sold, but there are issues with absentee and reluctant landlords. Wirral Council will only give market value for premises, which some landlords may not agree with. It was noted that this will impact on the time frame, as WBC may need to resort to CPOs. The officer also discussed the, potential Community garden which could be located at 54 Bebington Road and Griffiths butcher’s site.

One of the agenda items focused on Mental Health Support in the aftermath. An update was provided by the Wirral South Constituency Officer, with the following key points highlighted:

- At the time of the explosion, Inclusion Matters were brought into assist. 38 people were referred with 9 working day to initial assessments. 18 patients were treated via a group therapy session. A stay and play session was also facilitated by social care, students and professionals.
- This is now facilitated by Talking Together Wirral via GP or self-referral. There are no differences between different types of referrals, there is a quick form and service users will be contacted in a few days. New Ferry (if mentioned at referral) will receive priority treatment. Wirral South also has a drop-in service for young people.

This Public Meeting was for the benefit of the public and as such, members of the panel were in attendance to observe. The distress of the residents in attendance was evident including one resident’s experience of talking a victim “down from the bridge”. Apart from Councillor Bird, the panel only spoke to confirm the purposes of the review and were assured that any input would be treated in confidence. Some victims said they were reluctant to spend more time and energy repeating their experiences and concerns that they felt had been previously ignored by the authorities.

The meeting concluded with a statement from a young person on how the incident had affected them: “*The community changed forever.... I would like to see many different things in the aftermath.... Will our ideas be listened to? I would like to see the area become a family friendly area*”.

3.2 Resident and Traders Sessions

On the 4th and 18th November 2019 the Panel met with residents and traders in separate sessions. The participants were asked to voice their experiences of the explosion and the aftermath.

Residents

- Members spoke to a resident who was housed by Port Sunlight Trust in Boundary Road. The front door of the house was blown in by the blast and she was trapped in the property. She was helped out of the property and taken down to the bowling green where she was picked up by a relative. She did not recall any assistance from the local authority, however she felt that she was rehoused quickly by Port Sunlight Village Trust. The Panel noted that she was assisted in taking some personal belonging from the premises, but were not able to remove everything. The police took a statement but that is the only contact they received regarding the incident.
- The resident also advised that she did not use social media or read the local press so the first correspondence she had received since the incident was from her own housing trust, Merseyside police and the mail shot sent out by this review. This led the panel to question how vulnerable or digitally isolated residents could be contacted about services should a similar event happen in the future.
- Another resident was at home when the windows were blown in. Given that it was a week after the Westminster Bridge terror attack, their first thought was that it was a bomb. They ran out of the house and it took a long time for their family to contact them due to the police cordons. The resident has no criticism of emergency services, as they dealt with the situation well.
- The panel asked about reports that Senior Council Officers were giving out their mobile number to residents. They said that giving out mobile number was a supportive move but noted that when you are panicking you don't want to speak to strangers. It was also noted that individual Council officers cannot always answer or have all the answers.
- The resident felt there had been little communication with information given out to victims on recovery, or the Police investigation. They felt they would have liked a contact on regular basis to see how they are getting on.

- Regarding Emergency Funding, residents were aware this existed, and that Council had voted against using it (based on recommendations from cabinet). Residents felt the justification was insulting and unreasonable - "we cannot use this emergency funding; in case something happens in the future." Members of the panel were concerned by this statement and agreed to look into as part of the review. Residents who attended Council felt that there was a lack of communication somewhere along the line, which meant that Elected Members were not being fed information on the disaster.
- Members asked about the immediate handling of the disaster, and it was clear that there was some confusion regarding the categorization of the incident. The residents were later told the fire officer had called a major incident, but there was no strategic coordinating committee. Further conflict arose when in July 2019 a Council Officer conceded in that in hindsight, they would have declared a major incident, as this would have triggered a more receptive response from the government. Residents also felt that the if this had occurred the Council would have had more scope when asking Central Government for assistance.

The Panel noted residents' comments on this and agreed to ask further questions.

- Residents were asked to look at what was positive about the incident. It was agreed that the community and officers did work together. People were looked after, but there could have been improvements made. They would have welcomed Councillors from all over the borough attending the public meetings to assist and use their own areas of expertise.
- Residents mentioned the letters sent from the Council for scaffolding and boarding the premises. The letters sent demanded money within 7 days or they faced recovery action. They felt this had been handled in an insensitive manner and the Council should have sent the letters directly to the insurance companies. Members noted these concerns and endeavored to ask further questions regarding this as part of the review.

The review panel received written evidence via www.newferryexplosion.com. Responses from victims differ in circumstances and effects. Some residents have found that the short-term impact was acute, with immediate housing issues being identified, others had to take paid or unpaid leave from work or were not able to access essential equipment due to damage to properties. Most victims and traders questioned found themselves out of pocket. This ranged from short term expenditures to significant financial loss for businesses.

Some residents advised that whilst the council were able to provide accommodation quickly, it was information that they had problems accessing. One resident noted that,

" Without getting into a discussion about what constitutes a "disaster", I feel we were badly let down by the Government who 1) avoided the area when they had the opportunity to visit 2) found resource very quickly for other disasters/incidents (Grenfell/Salisbury)."

Residents and traders also confirmed the explosion has had a significant impact on their mental health and that of their families. The Panel resolved to look at these concerns as part of the review.

Traders

The panel met with traders at a second evening session in November 2019. Many of the Business owners are also residents and their experiences as residents are recorded above. However, there are key issues which have affected them as business owners, and these have been captured below.

- Those in attendance confirmed they felt the explosion and aftermath had been underreported as a major incident and as such, they had not received sufficient support to help rebuild the businesses. Examples of this ranged from the lack of 'Business as usual' signage along the New Chester Road to feeling that there was a lack of strategic support from the Council at a point when they needed this the most. They did not feel like they had been consulted about what they wanted or needed going forward and there had been a fragmented approach to funding. They noted that £300k had been spent by the council in the aftermath on remedial work to secure properties, but this had been spent on fixing the properties from a health and safety perspective and was not used to assist the traders, some of whom had lost 95% of profit.
- Traders highlighted the complexity of the issues they faced, from language barriers to landlords (often based in the south), not understanding the severity of the damage to their premises and the impact it had on trade. What is apparent is that the disaster had a far wider impact on the trading community in New Ferry than those directly affected by the incident, with a downturn in profits extending to the New Chester Road shopping areas. Damage to properties further afield was also underreported – with one trader advising that there was damage to doors and windows as far afield as the New Ferry by-pass. There is significant upset within the trading community that Wirral Council has the money for large projects, but not to assist in New Ferry.
- The traders also felt strongly that some hardship fund payments had gone to the wrong people and they reported premises which had not been maintained by the landlords, but which had been further damaged by the explosion. In some cases, the payments went directly to the landlords who reportedly did not use the money to make repairs to the premises. Often traders were left with an unusable premise but were still liable for rent and rent payments which has caused significant hardship and the threat of legal action. There was also confusion regarding available funding and support from Wirral Council and the Chamber Of Commerce. There were offers of support which were then retracted with both organisations saying the other could do more to help. Traders felt they could have been better supported to pursue insurance and legal claims.
- Traders repeatedly raised concerns regarding communications. They felt that they received the most information through the media and that they could not contact the Council through the normal channels or via individual officers. Jake Berry MP visited as a representative of the Department for Homes, Local Government and Communities, but traders felt this visit was stage-managed and he did not spend time speaking to residents. Notably, the traders highlighted the difficulties they felt they faced getting their personal stories heard; they felt dismissed at public meetings. One attendee felt that the personal impact of the disaster was not

felt until impact statements were accumulated but also did not feel that this information was being fed back to the Council.

3.3 Stakeholder sessions

Communications

Concerns had been raised by some panel members regarding inconsistencies between council releases and statements and articles published in local newspapers. In order to clarify why this may be the case, the panel requested that officers from the communication team attend a session to discuss how the Council works with the press during incidents of this nature.

- The Communications team do not respond to enquiries with a statement, or issue any proactive press release, unless it has been signed off by a senior officer.
- *It was noted that in this instance no figures originated from the authority; if they had received a request, they would have referred the query to the relevant department or partner agency and any response would be signed off by officers. In most critical incidents the Emergency Services are the lead agency and will ratify numbers. However, the emergency services can also be reticent to release full details, especially if there is a criminal investigation underway. It is also worth noting that in some incidents the situation and numbers do evolve over time.*
- *It was accepted by the panel that the nature of free press means that journalists and news agencies will collate information from several sources when writing articles and because of this not all the information they publish may be correct or accurate all the time. The Local Authority has no influence over the alternate sources of information used by Journalists.*
- *Concerns were raised about under reporting. Officers did not feel that was the case locally, but it was noted that the number of news crews in attendance naturally decreased as the weeks went on. Nationally, it may have been under reported, but the Local Authority have little control as to what major news agencies choose to cover.*
- *Officers acknowledged that the Authority used social media channels less in 2017 to convey information. The natural evolution of this communication tool means that this would be utilised much more should an incident of this nature occur in the future, although all messages will still be approved and consistent with what partner agencies are saying.*

First Responders

- The panel met with first responders from community patrol and an officer from safer Wirral services was on call that night as an emergency responder. It was confirmed to the panel that the first line of contact is via the duty mobilisation officer who then contact officers. The first responders advised that Oval Leisure Centre in Bebington is a designated centre for emergency situations and officers went there in the first instance. It quickly became apparent that the Life Centre was being used as a meeting place, however this was still an unconfirmed base at the time and officers kept the Oval open in case they needed to use it. It was quickly decided that the Life Centre should be the Hub as they had provisions such as hot drinks available to residents. It was noted at that stage that they were reliant on volunteers to assist.
- The duty response confirmed that she was aware of the explosion via social media before she received a phone call and was already en route. As soon as she was on site, she saw the extent of the disaster and called the safer Wirral manager.
- Once the extent of the disaster became apparent there was a phone call for building control to attend the scene as the police needed access to certain buildings. At this point the Assistant Director for Housing was called out and attended the scene.
- Members were advised during this session that Council Officers and the emergency services attended hourly updates at a central hub in the life church. At this point, the first responders felt like everything was in hand, officers were helping residents contact insurance companies and secure accommodation. They also updated the Community Patrol contact centre as they were experiencing a high number of queries from the public. The emergency duty officer stood down at 4:00am, returning to work at 8:00am. Members of the panel were also informed that officer from Children's services and the homeless team attended the scene of their own volition to help residents.
- The panel queried the Council's response to aiding with essentials and clothing in the immediate aftermath. First responders noted that most residents' urgent needs were provided for and that it simply wasn't realistic to offer (as an example) money for clothes within the first 24 hours. Their perception was that it was the weeks and months after where residents did not feel their needs had been fully met.
- Officers in attendance confirmed that there was a professional response phase debrief in June 2017, followed by recovery phase debrief in February 2018. Details of these can be found as appendices of this report.

Senior officers

Members of the panel met with key senior officers who were first responders and who also dealt with the recovery and aftermath phases. Members of the panel also noted the officer's comments as recorded in the review of the incident brought to committee in September 2019.

Council Response

- Members queried the current all hazards incident plan, as this had not been updated since 2011 and then 2018 . Members were advised that a revamped version was in development and will be launched soon. Officers also confirmed that at the time of the explosion on 2017, there were no lead officers 'on call', but there were response officers available.
- The panel asked whether there was a database of contacts that could be utilised in situations such as this. Officers confirmed that there was, however, it had not been fully updated over the years as officers moved or left the authority. It was acknowledged as an excellent resource, but it must be regularly updated to be useful. Officers agreed that this was not the case in 2017 but reassured the panel that this has now been overhauled.
- Since 2017, there is always now a director on duty, with a weekly Rota. The Council plans to extend this Rota to Assistant Directors and officers who report directly to the Strategic Leadership Team.
- The panel were concerned that the former chief executive had not had much involvement in the disaster and wanted reassurance that this would not be the case should a similar incident occur again. It was noted by officers that the current chief executive wishes to be directly involved in any further incidents.

Financial support

- Members of the panel queried why the council had not applied for funding via the Bellwin Scheme. This has been a bone of contention with residents and traders who had been given different reasons why not, and do not feel this has been properly addressed by the Council.
- Officers confirmed that this was discussed shortly after the incident with the former Director of Finance & Investment who has now retired from the authority. The application was looked at closely and the view was that Wirral would not have qualified under the criteria. Wirral Borough council were in constant contact with the relevant Civil Service departments and the Rt Hon Jake Berry MP who was the parliamentary under- secretary of state for the Northern Powerhouse and Local Growth. Wirral Borough Council asked central government for 500k in the weeks following the incident, but this was rejected.
- It was noted by officers that whilst Wirral council adhered to the rules for application of grants, this was not reciprocated by the Government. Later incidents such as flooding in Yorkshire and the Salisbury Poisoning did not meet the criteria, yet they received financial support from central Government. There is an emergency fund held by the Council but there had been a political decision not to use it.

The Panel also asked why residents had been sent letters from the Council Requesting Payment. Officers confirmed that bills had been sent for scaffolding, hoarding, demolition etc. The erection of scaffolding was essential to assist residents in gaining access to the premises. There had been a number of meetings convened to explain the options to residents and insurance companies. It was explained to the Panel that there were two options delivered; the first option was for the insurance companies to install their own scaffolding, the second option was to retain the scaffolding already installed by the council and the insurers would pick up the bill. Senior officers said the second option was agreed to by the residents and insurers during the meetings as being the most cost effective. In addition to this, some residents were not insured. Officers confirmed that individual conversations would be needed to assist residents in discharging payments.

The main issue lies with billing and the language used within in the demands sent to residents. For audit reasons residents had to be formally billed, however officers relied on the automated billing systems to get the notifications out as they were busy on-site. Officers confirmed that residents had been advised that the notification of payments would be issued and that they should be passed to the insurers, however It is acknowledged that this could have been managed better.

Classification of incident Officers referred to their report which had been brought to committee in September 2019. Members of the Panel emphasised concerns that a Major Incident had not been called by the Local Authority, given that officers who attended the scene found an 'acute blue light incident'. Officers confirmed that any organisation can declare a major incident and in this case, it was the fire service who made that call. The Council were initially there in a supportive role for the community, and fire service and then to assist the police in the investigation. Calling a major incident would normally activate a corporate response and calls together the Strategic Leadership team. However, the assistant director was on site in the aftermath, as well as the relevant senior managers so it was not seen as essential.

In regard to a Gold Command meeting, this would normally activate a response from the fire chief and held off site, however the former Merseyside Fire and rescue Fire Chief was also in situ and held frequent meetings on site. Officers argued that an official gold command meeting was not called as they were already holding regular meetings and briefings in practice.

It was noted by the panel that these situations are often very fluid and do not always follow a textbook pattern. However, the panel were keen to emphasise that the residents had felt the decision by officers not to call a Major Incident had caused upset in the community, as they felt this decision had downplayed the severity of the incident. It was also felt that this may also have had a detrimental impact on the lack of support from central government. The panel suggested that future incidents of a similar nature should be classed as a major incident in the first instance, as they can be stepped down if needed. However, it is difficult to retrospectively claim a major incident. The Panel also agreed that the same should be done when claiming government support.

3.4 Elected Representatives

Former Ward Councillor

Members wanted to meet with a former ward Councillor, who in 2017 was one of the elected members in Bebington. As such, a meeting was arranged with the chair and scrutiny support.

They confirmed that they had arrived within 25 Minutes of the explosion and went directly to the emergency centre to assist. They had initially found out about it through social media and then called the Emergency Team immediately.

At the scene they found some 60-70 residents displaced from their homes and Wirral Council organised appropriate accommodation for those who required it (some chose to stay with family). This was noted as being organised quickly and efficiently. The council went as far as assisting residents to get their possessions back. Concerning this, he felt the Council went above and beyond to facilitate.

Regarding Council officers, it was noted that the Council was not always on the scene every day, but a lot of work was being done off-site. Several of the officers involved took a very hands-on approach and they were always contactable. At this point they had total trust in the officers and focused their efforts on helping the community. In retrospect he feels that there were not enough officers visible on the ground to assist the community. It was noted that on occasion the priority looked to be focused on the premises and less on the victims.

It was noted that the Council should be working together better in situations such as this, with a task force chaired by the chief exec. It was suggested that there should be a dedicated phone line and information with relevant contacts in. It was noted that the council was not at its best at a senior level during the aftermath of this incident. The ex-chief executive was not seen to have visited the site and they were only granted a 30-minute meeting to discuss the disaster.

Also highlighted during this conversation was the confusion and upset felt over demands for payments sent to residents. The Council were sending letters to pass on to insurance companies, but it was felt there was no explanatory letter to act as a buffer and this caused unnecessary upset within the communities. It was agreed that the review panel should look at this later as part of the review.

One question raised was support for Councillors and Council officers during incidents such as this. Often, they went from highly charged and difficult meetings with the community to Council Meetings. It was picked up on that there should be more mental health support available to those in supportive roles during this time.

Cabinet Member for Finance. May 2017 – Present

Members of the Panel requested a meeting with the current Cabinet Member for Finance to discuss the Council's financial response in the aftermath. However, it should be noted that the cabinet member did not hold her portfolio at the point of the explosion, so could not comment on the aftermath until she

came into position in May 2017. Also, it should be mentioned that the cabinet member lives in the vicinity of the explosion site, so was also able to offer her perspective as a resident.

Until the full Council in December 2018, the only financial support provided by the council was for Council Tax and Business Rates and through Local Welfare assistance. All Council Tax and Business rates accounts effected by the explosion had holds placed on the accounts until they had been assessed by the valuation office, where the most seriously damaged were taken out of rating. Any direct debits received during this period were reversed and refunded by the Local authority whilst the Rating office made their decision.

During this period, Local Welfare Assistance (LWA) paid out approximately £8,000 to 25 Applicants. The capacity of LWA was discussed and had been documented below.

In December 2018, Council unanimously agreed to release 200k via a hardship fund to residents and traders of New Ferry. The criteria for awarding this was down to the Cabinet Member, however they did consult with the Director of Finance and Investment and local ward Councillors and a formula was agreed.

As of December 2019, all hardship fund payments had been made leaving a total of (£12,800?) left for the community fund. There is one appeal still active, however the Cabinet Member has removed herself from this decision to avoid influencing any decision.

The cabinet member noted that unlike incidents such as the Grenfell Tower tragedy, there was no culpability, so payments made were goodwill gestures which the Local Authority was happy to grant in its capacity as a paternalistic organisation.

Members of the panel queried the bills sent for scaffolding etc. and why some residents felt they were issued without the correct communication. One Member also asked what would happen if they couldn't pay. It was acknowledged that there are different systems used by finance which do not necessarily talk to each other. Notification of sundry debts are sent out automatically. There is also a difficulty striking a balance between those who have insurance and those who haven't. Simply writing off the debt is complex as further impacts could arise by taking this action. The authority is also facing a £12million pound in-year budget gap, which puts huge strain on available resources.

The Council's priority, at that point was to lobby central government for assistance which has subsequently been forthcoming for other incidents such as Salisbury or the flooding in Yorkshire.

One key issue the panel queried was the emergency fund and its capacity. This is a fixed financial reserve and is also used to fund and facilitate Local Welfare Assistance in Wirral. This scheme provides a safety net for Wirral Residents in case of a disaster or emergency. Due to the limited pool of funds for this it is a one-off payment in extreme circumstances and only one award should be granted in a two-year period. There was criticism that the application for funding from this reserve had been refused 'in case of another emergency' which had understandably caused great upset to members of the community. However, it must be noted that this fund is not just used to facilitate one off payments in time of emergency, but also to assist residents across the borough with individual financial emergencies. As such, consideration must be made as to the strain on this fund as it does not replenish.

Members concluded the session by asking what, as a resident, the Cabinet Member thought Wirral Council had done well and what could be improved.

Positive aspects included giving credit to the officers who attended and assisted victims into accommodation quickly. Other Cabinet members, such as the former portfolio holder for Children and Families worked closely with Age UK to help assist older members of the community. Victims were also directed to Mental health support and fast tracked. As a Member of the cabinet they felt they were briefed regularly and given updates.

However, it was noted that the clear up on the site should have been done as a matter of urgency.

Former leader of Wirral Borough Council

Both the former Chief Executive and Leader of the Council were invited to attend the stakeholder session. The former Leader of the Council during this period was unable to attend the scheduled session but was happy to answer written questions. The response to these is documented below. The former Chief Executive of Wirral Borough Council did not respond to the submitted questions.

What lessons do you think the council should learn from the disaster? What do you think was done well? And what do you think could/should be done differently in the future?

In terms of learning lessons from the disaster, it is difficult to plan for something so out of the ordinary and devastating. That being said, the positives include the excellent support from a range of Council staff and very good partnership working with other agencies. It was also a good idea to have a senior officer in the Council who was the main conduit for dealing with all aspects of the disaster including recovery and plans to regenerate the town, links to residents, businesses, MPs and briefing elected members on a regular basis. With regard to what could be done differently in future, in terms of the Council I think that with the benefit of hindsight it would have been better to have had cross-party briefings on all aspects from day one. This would have avoided the issue becoming a political football. Nationally, I believe that the government needs to review their thresholds for funding under the Bellwin scheme. It cannot be right that disasters such as New Ferry don't qualify for national emergency funding and that almost the entire financial responsibility falls on the Council.

How effective do you feel the council's response was to the tragedy. Do you feel the incident should have been classified differently, i.e. a serious incident?

I think the Council's response to the disaster in New Ferry was good. In the immediate aftermath of the explosion in March 2017, the Council agreed to allocate £300,000 from its reserves to assist residents and businesses in New Ferry who had suffered; it set aside an additional £200,000 in the 2019/20 budget to be used once again to help residents and businesses; and in December 2018 Cabinet agreed to allocate £1.3 million from the Strategic Acquisitions Capital Programme to acquire a number of key sites in New Ferry to facilitate the town's regeneration. For the Council to find such significant sums of money to assist New Ferry at a time when it was experiencing unprecedented budget cuts demonstrated the priority which the Administration placed on this issue. Finally, as Leader, I lobbied

Steve Rotheram (Metro Mayor) to allocate £500,000 from his town centers fund to help New Ferry. This was approved.

I firmly believe that the tragedy should have been classified as a serious incident by the government and that they should have provided emergency funding from the national public purse.

Do you feel that the recovery of the disaster was dealt with correctly? Were victims given the correct support at the correct time?

I believe that the disaster was dealt with correctly. The Council worked extremely well with other agencies such as the police, local churches, Wirral Chamber of Commerce etc. to ensure that there was support in place to help residents and businesses. I vividly recall visiting the Life Church in Old Chester Road the day after the explosion and was extremely impressed with the help which Council staff were providing for residents who had to leave their homes. This 'hands-on' support continued in the days following the disaster. I would also particularly highlight the fantastic support provided by the assistant director for housing who was the Council's main conduit with local residents and businesses for many months following the disaster. They always went the extra mile to ensure that local people were kept informed about all aspects of the work to help New Ferry get back to some sort of normality. They also regularly briefed myself as Leader and worked with local ward members and residents on moving things forward. I believe that the Council was extremely fortunate to have someone as dedicated as them to carry out this role.

When were you aware that Officers had not applied for the Bellwin Scheme?

In a letter dated the 17th July 2017, the Council was informed by Jake Berry MP, Minister for the Northern Powerhouse and Local Growth, Department for Communities and Local Government, that the explosion in New Ferry was not serious enough to qualify for funding under the Bellwin scheme. In his letter the minister states: "While I understand that recovering from the New Ferry explosion requires funding, for an incident of this size and impact we would expect these costs to be covered using existing local resources." I was shocked by the minister's response, especially because I had accompanied Mr. Berry when he visited New Ferry and met with residents and businesses affected by the disaster. In summary, therefore, an application was not submitted for funding under the Bellwin scheme because the minister explicitly ruled it out. I recall challenging this view particularly in the light of the financial assistance given by government to residents in other disasters, e.g. Grenfell and Salisbury. Sadly, during my time as Leader, despite numerous requests by the Council, the local MP (Alison McGovern) and others, the government consistently refused to provide financial assistance to New Ferry.

When were you made aware that residents were sent bills demanding payment for scaffolding?

I don't recall the precise date when I heard this, however, I do remember that residents did receive advice on how they could get help with meeting a variety of costs, working with insurance companies and other agencies.

Why did the Labour group decide/vote against spending emergency funding recourses in July 2017 to assist with the recovery?

At the meeting of full Council on the 10th July 2017 the following motion, moved by former Bromborough Councillor, Warren Ward, and seconded by myself, was carried with 60 votes in favour, none against and one abstention:

“Following the devastating explosion in New Ferry, hundreds of Wirral residents and businesses have been affected. Residents’ homes have been destroyed or badly damaged and local businesses have had to close, forcing many local people into unemployment, along with hundreds of residents who were injured, including the tragic case of a 21 year-old man who almost lost his life.

On behalf of the people of New Ferry and Port Sunlight, this Council agrees to write to the Secretary of State for Communities and Local Government and also the Prime Minister to urge the government to provide New Ferry with urgent financial support and to meet with community leaders and residents affected on site in New Ferry for them to see first-hand the absolute devastation caused by the explosion.”

An amendment to the above was moved by the Conservative Group which asked for the Council to ‘urgently assess whether a formal application for emergency financial assistance under the Bellwin scheme is required’ and ‘to assess whether individuals affected need assistance from the £770,000 held by the Council for ‘Support and Assistance to Public in Need.’”

The Labour Group voted against this amendment, firstly, because we felt that the need for emergency financial assistance for New Ferry was adequately covered by the wording of the motion moved by former Councillor Ward. Secondly, using the £770,000 budget for ‘Support and Assistance to Public in Need’ was felt not to be appropriate in the light of advice from officers that there was likely to be heavy demands on this budget from November 2017 with the roll out of Universal Credit to all benefit claimants in Wirral and the anticipated significant cuts in benefits to certain claimants as well as delays in payments following any new claims.

3.5 Responses to questions sent to partner agencies.

The panel produced questions to be sent to the relevant partner agencies who were directly involved in the incident. Below is a summary of the responses provided by the NHS, Cadent Gas and HSE plus Merseyside Fire and Rescue Service.

Victim Support did not respond.

Cadent Gas were asked what lessons had been learnt by the industry following on from the explosion.

“In relation to the New Ferry incident in particular, a key lesson that has been learnt by the industry as a whole is the importance of accurate data. The process that applies to disconnecting redundant gas supplies involves a number of different parties. We are reliant upon information provided by others in order to complete our work in this area. Unfortunately, in relation to the New Ferry incident, the information provided to us was inaccurate.”

The HSE have confirmed the following procedures in the aftermath of the explosion.

“The Police retained primacy of the ongoing investigation, HSE supported this investigation including looking at the gas supply pipe system. The Gas Safety (Installation and Use) Regulations 1998 (GSIUR)

place a duty on the last gas supplier to take certain actions following removal of a meter to reduce any risks from the gas pipe which is no longer used. In reality the gas supplier also requires assistance from the gas transporter to complete some of these actions. HSE investigated the action taken by both Contract Natural Gas (the gas supplier) and National Grid Gas (the gas transporter) in relation to the gas supply at New Ferry. Following this CNG were issued with a “notice of contravention” requiring them to take action to improve their management of meter removal/service isolation. CNG confirmed the action they had taken in line with the timescales required by HSE. No action was taken against NGG.

As described above the legal duty is on the gas supplier to cut off the gas service however HSE acknowledges that other parties are critical in this process, this includes the gas industry Central Data Service Provider and the gas transporters. HSE provided advice to the police on the investigations undertaken into the actions of both CNG and NGG and the relevant health and safety law. The failings of CNG directly led to NGG not fulfilling their obligations, and the evidence indicated that had CNG provided accurate information on the meter removal that, based on NGG’s existing arrangements, NGG would have taken suitable action. “

NHS Mental Health Providers

‘Senior clinical staff from Talking Together Wirral and employed by the previous provider Inclusion Matters Wirral (IMW) at the time of the incident, are not aware of any contact with the council. The service worked in conjunction with the CCG in order to prioritise clients, and to present workshops and psycho-education sessions at the local church hall. The service also offered information regarding how to access Inclusion Matters.

As senior clinical staff are not aware of any contact with the council, it is not possible to comment with regards to the LA doing anything differently.

From the senior clinicians’ perspective, it is believed that services were well signposted regarding the sessions put on by the service. However, it is not possible to comment on the wider signposting as they have no knowledge of how this was completed.

The psycho-education groups were arranged and took place immediately after the event. Practitioners also attended an event approximately a year after, where there was a local Councillor present. Both events were very poorly attended, and so the service (now Talking Together Wirral) would wonder about the advertising strategy for this.

Resource packs were made available for the residents of New Ferry and were provided at each support session.

Such events were delivered in evenings, and at least one weekend, in the local area. Residents affected were given priority treatment. A suggestion for the future would be that all services and providers meet regularly, have clear communication pathways, and a clear action plan.”

Merseyside Fire and Rescue Service

Hello all,

We have been approached by Samantha Jagger of BBC News Online regarding the New Ferry gas explosion (retrial begins this Monday 23rd). they have received information that Mark Camborne, Head of Corporate and Community Safety at Wirral MBC apologised for the fact that a major incident was not declared (her words) in a council meeting. Samantha requested information on whether a Major Incident was declared. After discussion with senior officers and looking at the log I have been asked to provide the following statement to Samantha by our Chief Fire Officer.

'At 21.15hrs on 25 March 2017 Merseyside Fire & Rescue Service responded to an explosion in New Ferry, Wirral. The first attending crews were on scene within 6 minutes of the first call. A detailed informative message was passed at 21:39hrs following an initial assessment of the scene. A Major Incident was declared at 21:58hrs with the accompanying multi agency METHANE message passed, the Rendezvous Point was confirmed at 22:06hrs .

A Multi Agency Tactical Co-ordinating Group (TCG) meeting sometimes referred as a Silver Meeting was conducted on scene at 22.30hrs, 23.30hrs and ran hourly during the dynamic phase of the incident.

TCG Meetings were held throughout the night in order to progress the effective resolution of the incident.

A Multi Agency Strategic Co-ordinating Group (SCG) meeting was held at 0900hrs at the Joint Fire / Police Command & Control Centre in Bootle, where strategic objectives were agreed and future priorities established.

Following the SCG a Recovery Co-ordinating Group (RCG) was established in order to support the long term recovery of the area and those immediately affected by the incident.

The Local Authority Chair the RCG. Merseyside Police Chaired the SCG. The Fire Incident Commander Chaired the TCG.'

This should hopefully clarify any issues around the nature and location of the TCG, SCG and RCG meetings and also give the clear message that a Major Incident was declared very quickly. I will be sending this statement to Samantha Jagger this morning. If you have any queries, please let me know, many thanks,

Regards,

Corporate Communications Manager



REQUEST	RESPONSE
<p>I was interested to read in the Echo last week that a Strategic Co-ordinating Group / Gold Command meeting was held on Sunday 26 March 2017, regarding the New Ferry explosion. Please could you email me a copy of the minutes without delay?</p>	<p>No information held.</p> <p>Searches have established that Merseyside Police do not hold a copy of any minutes of the specified meeting.</p> <p>In the interests of efficiency and effectiveness, the Force does not routinely record minutes of meetings, particularly those which are spontaneous in nature and in direct response to an incident and it would appear that no minutes were formally recorded in this instance.</p>

5.0 Summary – Lessons learned and suggested recommendations

Members of the panel would like to extend their thanks to the community of New Ferry and Port Sunlight for their participation in this review. The Panel understands and acknowledges the distress felt by some residents and traders when recalling the incident and aftermath. Thanks, are also extended to officers, elected members past and present, stakeholders and partner agencies.

The scope of this review was to ascertain which lessons could be learned from the incident and to put in place recommendations based on the outcome of the review. These have been detailed below.

Action

Regarding the council's responsibility to ensure all necessary steps had been taken, it is apparent that the council followed its duties under the Civil Contingencies Act 2004 and its All Hazards Emergency

Policy in most areas. The response was quick and immediate assistance was provided to victims, officers and ward members worked 24/7 to assist residents in the aftermath, going as far as to hand out personal phone numbers and pay for supplies out of their own pockets. However, clear concerns remain regarding the council not declaring a major incident. The Panel acknowledges the benefit of hindsight and the unprecedented nature of the accident and pressures it puts on officers in the front line. One key recommendation will be that major incidents should be declared early on as it is easier to step this down than do it retrospectively.

In addition to this, the fact that the All Hazards Emergency Plan and list of contacts had not been updated will also form a significant part of the recommendations.

Communication

It is clear that there were communication problems all the way through this incident. Both the Public and Councillors have advised that they did not feel they were kept updated or informed by the Council. One trader advised the panel that 'they just did not know who to turn to, we just needed one point of contact'. For the avoidance of doubt, it is also clear that there was assistance out there, but it came from different channels, sometimes only in verbal English at public meetings, which made it difficult for residents and traders who were distressed and confused in the aftermath.

In addition to this, Councillors who were not directly involved in the incident have subsequently advised that they did not feel they were kept up to date with key pieces of information.

Both of these aspects will be covered by the recommendations made by the panel.

Co-ordination

It has been difficult to ascertain certain aspects of the co-ordination led by the emergency services and the Council. Members have requested minutes from meetings; however, these have not been supplied by the emergency services who instead referred members to previously published documents.

It is agreed that whilst there were regular briefings and meetings held on site, there had been no official confirmation of a gold command meeting held off-site. This has proved difficult to the panel, as all recommendations need to be evidence led. They acknowledge the complexity of the incident however they have concerns over the coordinated response and recording of the disaster. The panel have emphasised the need for this should an incident of this size occur again.

Suggested Recommendations

The panel have agreed to submit the following recommendations for approval by the Business Overview and Scrutiny Committee, after which they will be submitted to cabinet for decision making.

The perpetrator of the crimes which led to the event has now been prosecuted and is serving a lengthy custodial sentence. The Panel would like to express their gratitude to everyone who worked in the response and recovery phases. In this instance there have been lessons to be learned and the Council always strives to improve procedure and responses. The review panel recognise that some residents and traders feel that some things could have been done better and subsequently would like to apologise for any perceived shortcomings.

1. The Council should focus on putting people directly affected first. For example, making hardship payments to victims as soon as the scale of a disaster and needs of the victims has been fully identified. In certain urgent circumstances, the Local Authority should consider making these payments without the approval of full Council. Bespoke support should also be included, through the NHS, housing services and Victim Support or other advocacy providers.
2. The Panel notes that some residents and traders felt they didn't know who to turn to. Contacts numbers for the public to use should be coordinated, up to date and available for the public to use immediately, via a centralized 0800 number. This should be publicised online and through the media as well as in paper copies. Translators and British Sign Language should be made available for those who need them. Social media to be used to convey information and updates and special information channels to be created such as text messaging. Key numbers such as victims, injuries and property damage should be put out by communications to avoid any media under reporting.
3. Any future incidents that involve significant damage to a site or area, the local authority should ensure that the site is 'made good' and landscaped once they are able to access it legally. This could be through grassing, hoardings or involving the local community with murals. Where possible the area should be screened to reduce the visual impact of the site on the community. The council should also actively attempt to improve the sites before we have legal access to the properties. Once the site is available for regeneration, the wider community should be consulted as much as possible to include their ideas and should be delivered.
4. There should be pro-active support for traders, as stated in the All Hazards Emergency Plan. More communication, promotion and marketing with council support. Open for business signs should be installed as soon as the area is secure. National government should be approached and requested to make payments for loss of trade to businesses consistent with other places affected by disasters such as Salisbury and Whalley Bridge.
5. The authority should delay billing until insurance companies are taking claims and/or ensure that bills go with a sensitive cover letter to explain who to contact and advice on payment.

Vulnerable victims should not be threatened with legal action by the Council as the impact can be particularly damaging to mental health. Proper organised advice should be given to victims regarding recovery via legal means (their own solicitor, CAB) and single point of contact should be utilised. If the site is classified as a crime scene bills should be held back until after court proceedings have concluded.

6. Ensure that the emergency response file is updated on a regular basis and seeks feedback from people directly affected by incidents so that all points are covered. and reported to the relevant committee on an annual basis (to include updates on all significant incidents that have occurred that year such as flooding). The Council's All Hazards Emergency Plan was last updated in 2011 and then 2018. Officer should also ensure that the all hazards recovery plan is regularly reviewed and after incidents. Formal lines of communication should be kept open between officers and all councillors. Every councillor should have a contact number for emergency situations, with council wide briefings sent to all members.
7. [Bellwin Scheme](#) to be applied for in the first instance as per its own recommendation; *"It is wise to report the incident even if spending is not likely to exceed the threshold. In the event of a later scheme taking total spending for the year above the threshold, the earlier spending would not be counted towards the threshold unless the relevant incident was reported at the time"*.

The Council's costs were £573,778, after hardship payments were made to all victims in August 2019. The panel noted that this was more than enough to have met the Bellwin threshold for government reimbursement. Applying for the Bellwin scheme in a major incident within the given deadline also emphasizes the seriousness of the incident. It is then up to the National Government Authority to determine what resources can then be provided.

8. A major incident should be called early on, even if another agency has already declared one. This can always be stepped down, however in accordance with the Council's All Hazard's Emergency Plan, an off-site gold command meeting should have been called and minutes should also be taken at all meeting and made available to the public. The chief executive or their nominee should be directly involved in the recovery and gold command meeting, in accordance with the All Hazards Emergency Plan. They should also visit the site and listen to the community. Briefings should also be sent to all elected members to ensure they are kept up to date with the event as it unfolds.

6.0 Attendees

Panel

Cllr David Mitchell (Chair)

Cllr Jo Bird

Cllr Steve Hayes

Cllr Mike Collins

Scrutiny support

Anna Perrett

Officers

David Armstrong (Assistant Chief Executive)

Mark Camborne (Lead Commissioner Community Services and Resilience)

David Ball (Assistant Director, Major Growth Projects and Housing Delivery)

Sally Clark (Communications and Engagement Manager)

Alan Creevy (News and Content Officer)

Carolyn Hooper (Anti-Social Behaviour Manager)

Fergus Adams (Constituency Manager)

Contributors

Warren Ward

Phil Davies

Cllr Jeanette Williamson

HSE

Cadent Gas

Supporting Lives

New Ferry Community

Justice for New Ferry

New Ferry Residents Association

New Ferry Traders Association.

7.0 Appendix #1

Scope

Review Title: New Ferry

Responsible Committee: Business Overview & Scrutiny Committee

Date: 10/10/2019

1. Contact Information:	
Panel Members: Cllr David Mitchell Cllr Jo Bird Cllr Steve Hayes Cllr Mike Collins	Key Officers: Alan Evans David Ball David Armstrong Mark Camborne Other Contacts: Fergus Adams
2. Review Aims:	
Review Objectives: The Business O&S Committee on 17 th September 2019 resolved that: <i>(2) That a Scrutiny Review Panel be established to look at the lessons to be learnt from the New Ferry incident and that dependent on the results of the review the Panel then look at a major incidents procedure and protocol.</i>	
Scrutiny Outcomes: <ul style="list-style-type: none">• To ensure that all necessary steps have been taken to address those residents, traders and other people affected by the incident.• To consider what improvements can be made by the council and partner organisation in their response to future disasters.	

Risk Implications:

The review aims to look at the steps taken by WBC in response to the disaster and consider improvements to be put into place for any future emergency responses required by the Council. It must be acknowledgement that these sorts of incidents are rare and will differ in circumstances and severity each time. As such, the outcomes of this review will need to consider this and allow for variance.

Environmental Implications:

No direct Implications

3. Review Plan**Review Approach:**

Public Meeting – New Ferry on 24th October 6-8pm [Winsor Close, New Ferry, CH62 5BX](#)

Session with Traders/Victim Groups – Monday 4th November 10:00am at Winsor Close. (40 mins x 2)

Email/letter representations from residents of New Ferry

Session with First Responders & Council Officers – (TBC)

Review Duration:

First Draft to call-over board on 25th November.

Scheduled Committee Report Date: 23rd January 2019

Scheduled Cabinet Report Date: 23rd March 2019

4. Sources of Evidence:**Key Witnesses:**

Former Leader of the Council – Phil Davies
Former Chief Executive – Eric Robinson
New Ferry Traders Association
Justice for new Ferry
Email Representations from Residents of New Ferry
Warren Ward
First Responders, such as community patrol.
Merseyside Fire and Rescue

5. Key Communications and timings:

Cabinet Member:

Cllr Julie McManus (Community Services).

Press Office:

Press office to be advised of outcomes.

8.0 Appendix #2

Witness Statements

As part of the review, Members of the panel asked the community to participate via email or letter to share their experiences. Below are a number of witness statements which have been published with the consent of the authors.

How did the disaster effect you?

The disaster immediately effected our family income,
it had a devastating effect on my wife's mental health, she now has chronic bouts of depression,
two months after the explosion I contracted double pneumonia and was off work for 6 weeks.

My wife subsequently left the family home and now we are divorced, it's had an emotional impact on our three children, we stopped having family holidays, various children's clubs and music lessons came to an end due to lack of funds,

We were under insured, so we were not covered for the explosion,

I borrowed £50k on our house to buy the business,

we had to sell the land to the council to cover the demolition charge,

from having a thriving business, owning the building freehold to having nothing but still owing the bank,

Recently I lost my Mom and Dad, I looked after my Dad over the last two years as he fought cancer, undeclared but my mental health has suffered,

What were the short-term effects?

See above

What were the long-term effects?

See above

Steps the council could have taken.

I have nothing but praise for the work of the council, I thought David Ball, Neil Mitchell, Sab Spina and others were brilliant, they were sympathetic, generous with their time & supportive throughout, please pass on my appreciation to these fine people.

How did the disaster affect you?

Initially, there was a financial impact. We left the house in the clothes that we were wearing. We didn't know what was going on, so we made a quick departure (through the living room window as the front door was wedged shut). We left all our personal belonging behind, including car keys, cash etc. Thankfully, my partner did have her bank card on her. Initially we had to purchase day-to-day items (toiletries, clothes etc.) I was unable to drive for work and my work laptop was also in the house. We were not allowed to re-enter the house as it was deemed unsafe, so I was forced to take a few days off. For the first few days we were couch-hopping and relying our families to provide shelter. After around 4 days, the council found us accommodation at the Black Lion guest house in Rock Ferry.

My company was very supportive, and I was back in work within a week as they provided a replacement car. I put the absent days through as holidays so that we wouldn't be out of pocket. My partner returned to work after 2 weeks but was not paid during this period. We were also allowed to briefly enter the house to collect essentials. Although we "got on with it" almost immediately, I would be lying if I said that this hasn't had some psychologic impact on both of us. My partner still jumps when she hears a bang and I am still trying to reconcile why someone would commit such an act.

What was the short-term impact

As above, there was a considerable financial impact and we were unable to work. In addition, whilst we didn't sleep on the streets, we were homeless and couch-hopping was unsettling. The owner of the guest house was amenable, but he didn't see us as paid guests and continued to take bookings, moving us from room-to-room (I did report this to the council after we moved out). Thankfully, we

found permanent (rented) accommodation after 4 weeks, incurring further costs for moving and replacing items that were damaged in the blast (TV/fridge etc.).

What was the long-term impact

Mixed – Despite the recent payout, my credit card took a battering and I’m still paying this off. We were more fortunate than many in this situation: I have supportive employers, so I was back in work fairly quickly and didn’t have time during the day to “dwell on it”. We’re now living in a nicer house in a quieter location so there’s an upside here.

What steps do you feel the council could have taken to support residents affected in the aftermath of this event?

I found getting any information was a challenge, particularly in the early days. That said, the council found us accommodation within a fairly short space of time, and this was fully funded, including an evening meal. Without getting into a discussion about what constitutes a “disaster”, I feel we were badly let down by the Government who 1) swerved the area when they had the opportunity to visit 2) found resource very quickly for other disasters/incidents (Grenfell/Salisbury).