

Nottinghamshire County Council

25 July 2018

Agenda Item: 6

REPORT OF THE SERVICE DIRECTOR, INVESTMENT AND GROWTH

CHANGES AND PROGRESS FOLLOWING AN AUDIT REPORT ON VACANT PROPERTY MANAGEMENT

Purpose of the Report

1. To review and report on progress against actions identified in the Audit report and to provide details of the delivery of the Property Transformation Programme.

Actions Identified

- 2. The Audit report was structured in 7 sections:
 - A. Site handover
 - B. Vacant property strategy and site security strategy
 - C. Insurance and health and safety considerations
 - D. Procurement activity to progress disposal
 - E. Financial liabilities and insurance
 - F. Vacant property management
 - G. Temporary use of empty properties
- 3. Analysis of events led auditors to conclude that Property, acting as Corporate Landlord needed to lead the implementation of 15 recommendations prioritised as 1 or 2. These are set out in appendix A with a narrative and progress against each action identified sequentially.
- 4. A profile of the Authority's 65 surplus and vacant properties and sites are outlined in appendix B.

Delivery of the Property Transformation Programme

- 5. Since the conclusion of the audit work, further service reviews and analysis has taken place to review the performance and effectiveness of the Councils property functions.
- 6. Turner & Townsend, a national organisation with a track record in supporting local authorities in property related improvement activity were engaged in January 2018 to undertake a diagnostic of the current property function. This diagnostic highlighted that the issues flagged in the vacant property review were symptomatic of wider issues in the service.
- 7. Due to the strategic importance of an effective property service, proposals were agreed by Policy Committee on 20 June 2018 to initiate a Property Transformation Programme

with the allocation of significant investment to ensure momentum was gathered in improving the service. Policy Committee agreed to appoint Turner & Townsend, who already have knowledge of the organisation to support the programme and to complement this with select internal resource from across the Council.

- 8. Given the seriousness of the improvement required in the property service the transformation programme is designed to deliver a root and branch review of all aspects of the service. As a result the scope of the programme extends far above and beyond the Audit of Vacant Property Management. Many of the actions arising from this audit have been subsumed into the programme which will ensure a more joined up and holistic response rather than implementing actions in isolation.
- 9. The Transformation Programme is based on a number of Themes, outlined below, each with their own lead officer and team. Policy Committee endorsed the following themes and will receive a progress report in the autumn.

Theme	Output	
Strategy	 Develop a new Corporate Property Strategy 	
Governance	 Develop a new Property Governance Framework Develop a clearer 'Commissioning'/'Client' split 	
Policies & Procedures	 Revise Property Policies & Procedures Framework Develop new Property Policies (as required) 	
Data & Management Information	 Review and revise the central property database so that it is up to date and accurate Develop and implement supporting policies and procedure regarding data management 	
Capacity & Capability	 Develop property capacity and skills Develop effective workload & resource management tools Develop the Intelligent client function 	
Delivering Capital & Revenue Spend	 Revise and implement the corporate policy for maintenance Establish Project and Programme Management standards and methodologies Develop gateway review processes Develop high quality briefs Risk and change management process improvements 	
Operating Model	 Develop an overall Property Operating Model Develop a fit for purpose Property staffing structure 	
Performance	Develop a clear performance reporting framework	

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

11. No financial implications arising from the report.

RECOMMENDATION/S

1) To note progress in response to the Auditor's recommendations and the launch of a new Property Transformation Programme.

David Hughes Service Director, Investment & Growth

For any enquiries about this report please contact: David Cox, Interim Head of Property, Growth & Development, Tel: 07843 569 367

Constitutional Comments [SLB 16/07/2018]

12. Governance and Ethics Committee is the appropriate body to consider the content of this report.

Financial Comments (SES 12/07/18)

13. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Internal Audit Report ref: 2017/94

Electoral Division(s) and Member(s) Affected:

All

Appendix A

Recommendation	Management Response	Progress Update
Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements)		
Priority 2 Recommendations - (internal control, should imple improve existing control arra	ements recommendations to	
Recommendation – 1 – Priority 1 – Reliable documentation of handover checks NCC Property Services ensure that handover checks for vacant sites are reliably documented, as a result of joint site meetings with colleagues from Risk and Insurance and Health & Safety, and securely stored.	Existing handover documentation to be revised and improved to incorporate a check list to ensure consistency of application. A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate). Documents to be available on clearly identified shared drive. Date for implementation By 28 February 2018 Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician	All of our current plans, policies and procedures are being reviewed as part of the Property Transformation Programme, which was agreed by Policy Committee at the June meeting. A revised proforma has been produced incorporating a check list to ensure consistency with actions and comments is in preparation and will better inform and document the handover. These new procedures are having effect. The former Gedling School was handed back to the Council in October 2017, during the audit process which critically informed our practice in swiftly securing the site. Joint site meetings took place with colleagues from across the organisation.

Recommendation	Management Response	Progress Update
improve existing control arra		
Recommendation 2 – Priority 1 – Extent of handover checks NCC Property Services should enhance the 'Procedures for Securing Vacant Premises and Land' by reviewing the procedure against best practice guidance and co-ordinating the checks with advice from other professionals within the Council.	Existing handover documentation to be revised and improved to incorporate a check list to ensure consistency of application. A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate). Documents to be available on clearly identified shared drive. Date for implementation By 28 February 2018 Officer responsible for implementation	All of our current plans, policies and procedures are being reviewed as part of the Property Transformation Programme, which was agreed by Policy Committee at the June meeting. As part of the Property Transformation Programme, best practice guidance is being provided by consultants Turner and Townsend to ensure that our documentation and procedures are robust and reflective of leading practice. T&T are professional based consultancy who have track record in property, strategic asset management and compliance. The T&T team are currently embedded in the Place Department as part of the transformation programme.
	Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician	
Recommendation 3 – Priority 1 – Documented vacant property and site security strategy NCC Property Services should maintain a vacant property strategy for each vacant asset, incorporating a site security strategy which is subject to review at pre- determined timeframes (1 month, 3 months, 6 months).	Existing handover documentation to be revised and improved to incorporate a check list to ensure consistency of application. A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate). Documents to be available on clearly identified shared drive.	All of our current strategies and plans are being reviewed as part of the Property Transformation Programme, which was agreed by Policy Committee at the June meeting. A revised Asset Management Strategy is under development as part of this Programme. The new Vacant Property and Site Security Strategy includes a revised and robust approach to vacant assets and land, site security and management. The strategy will be presented to Policy Committee for approval.
	Date for implementationBy 28 February 2018OfficerresponsibleforimplementationTeam Manager – Property – Strategy,ComplianceandPerformance&Property and Estates Technician	

Recommendation	Management Response	Progress Update
must implement recommendation arrangements) Priority 2 Recommendations - (internal control, should imple improve existing control arra	ements recommendations to	
Recommendation 4 – Priority 2 - Review and reporting of vacant properties Effective corporate reporting and monitoring of vacant properties is put in place and reported to key decision- makers and stakeholders.	Corporate Property Management Group, comprising senior operational mangers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice. Date for implementation By 28 February 2018 Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician	An interim Head of Property has been recruited into the Council. This action has not yet been completed but work is now underway to establish the CPMG whilst the Property Transformation Programme is implemented. One of the Programme strands is focused on Governance and this will determine the future shape and need for such a corporate group. Colleagues from across the Council are engaged in the Programme, including from Property, Compliance, Health and Safety, Risk and Insurance.
Recommendation 5 – Priority 2 - Insurance and Health & Safety advice Property Services should work more closely with officers from Risk & Insurance and Health & Safety to ensure that concerns raised through the independent reviews are used to prompt re- assessments of site security.	Corporate Property Management Group, comprising senior operational mangers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice. Date for implementation By 28 February 2018 Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician	An interim Head of Property has been recruited into the Council. This action has not yet been completed but work is now underway to establish the CPMG whilst the Property Transformation Programme is implemented. One of the Programme strands is focused on Governance and this will determine the future shape and need for such a corporate group. Colleagues from across the Council are engaged in the
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Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to		
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Recommendation 6 – Priority 1 – Decommissioning Property Services should clearly establish and record to what degree decommissioning of utilities has been undertaken at each vacant property. This should include clarity if utilities have been removed, isolated from the network or isolated at the meter. If demolition is expected this could include consideration or obtaining disconnection certificates ahead of works starting.	A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate). Documents to be available on clearly identified shared drive. Date for implementation By 28 February 2018 Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician	All of our current strategies and plans are being reviewed as part of the Property Transformation Programme, which was agreed by Policy Committee at the June meeting. The new Vacant Property and Site Security Strategy includes a revised and robust approach to vacant assets and land, site security and management and will drive procedures for receiving vacant properties. The strategy will be presented to Policy Committee for approval. Whilst the policies, procedures and strategy are being finalised, current practice has improved as a result of the audit report. When the former Gedling School was returned to the Council in October 2017, checks were made to ensure utilities were removed and isolated from the
Recommendation 7 – Priority 1 - Exit fire risk assessment NCC Property Services should undertake an exit fire risk assessment as part of the handover process to identify ongoing risks and to inform external bodies. The degree to which the exit fire risk assessment is completed will depend upon the risk ranking for the vacant property in line with the established risk ranking process.	A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate). Documents to be available on clearly identified shared drive. Date for implementation By 28 February 2018 Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician	network.All of our current strategies and plans are being reviewed as part of the Property Transformation Programme, which was agreed by Policy Committee at the June meeting.The new Vacant Property and Site Security Strategy includes a revised and robust approach to vacant assets and land, site security and management and will drive procedures for receiving vacant properties. The strategy will be presented to Policy Committee for approval.Whilst these plans/policies are brought forward for approval, current practice has improved and recommendations implemented where appropriate.

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Recommendation 8 – Priority 2 - Pace of procurement Property Services should review the length of time taken to progress the procurement for both sites using Arc and the framework approach, to identify opportunities to speed up the process for future projects. This should include a re- assessment of the circumstances in which	Timely decision making within NCC will be driven by the information provided to the Corporate Property Management Group, however improvements to the briefing process between NCC and Arc will allow early identification of priorities and timescales, and options for project delivery. Cognisance of these priorities will ensure that a suitable delivery mechanism is chosen to reflect the required balance of cost and timescale.	A Major Projects Board has been established which is adding further management oversight of the procurement and project management of demolition works. Through the robust contract management arrangements that are in place to client Arc, appropriate steps have been taken to ensure that the procurement of demolition activities takes place in an effective and timely manner.
feasibility studies are requested.	Date for implementationAlready ImplementedOfficerresponsibleforimplementationGroup Manager PlaceCommissioning	Where the County Council takes a decision not to demolish, either for strategic reasons or a lack of funds, a range of measures are now at our disposal to activity manage vacant sites. For example security and/or, CCTV monitoring.
		Further discussions are taking place with Arc through the Property Transformation Programme to establish performance specifications coupled with pro-active client-side decision making to accelerate demolitions. This change in the approach to procurement is part of the overall Vacant Property and Site Security Strategy and Plan.
Recommendation 9 – Priority 1 - Value for Money in the procurement arrangements The review of end-to-end property processes should incorporate assessments of value for money delivered through the framework arrangements.	NCC client team and Arc meet on a monthly basis at a number of levels to ensure projects are evaluated at all stages. This includes a suitable value for money assessment, alongside benchmarking of project design and delivery costs, and evaluation of frameworks where available. Date for implementation Already Implemented	Initial action complete. To further ensure confidence in value for money through the Arc and framework arrangements, the Property Transformation Programme has a work stream related to capital and revenue value for money.
	OfficerresponsibleforimplementationGroup Manager PlaceCommissioning	

Recommendation	Management Response	Progress Update
must implement recommendati arrangements) Priority 2 Recommendations - (internal control, should imple	highly desirable for effective ments recommendations to	
improve existing control arra		D'a series and a series of the
Recommendation 10 – Priority 1 - Insurance liability during construction works Property Services should ensure that, when insurance cover is not being provided by the contractor, they are consulted by Arc prior to commercial negotiations commencing. This would afford the opportunity to take advice from the Risk and Insurance Team to determine the most appropriate insurance cover for the Council.	Initial, and subsequently quarterly meetings are to be held between Risk and Insurance, Arc, corporate procurement and the property commissioning team to establish effective and agreed insurance arrangements and for all projects, and ensure insurance provisions are reviewed and incorporated into contract documents as appropriate. Date for implementation By 28 February 2018 Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician	Discussions are ongoing and further built into the Property Transformation Programme.
Recommendation 11 – Priority 1 - Reviewing insurance liability on other works Property Services review the insurance arrangements in place for other construction works to determine whether insurance liability remains with the Council on any other current works let through Arc since 1 st June 2016. Should this be the case, Property Services should re-assess risks with Arc and the Risk & Insurance Team to consider whether additional, security arrangements are warranted to limit the Council's exposure to potential insurance liabilities.	Initial meetings are to be held between Risk and Insurance, Arc, corporate procurement and the property commissioning team to establish effective and agreed insurance arrangements and for all projects, and ensure insurance provisions are reviewed and incorporated into contract documents as appropriate. Corporate property management group, comprising senior operational mangers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice. Date for implementation By 28 February 2018 Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician	Options for insurance vary between contracts. For example a new-build, refurbishment or remodel will need tailored insurance arrangements. The decision is determined by whether the client wishes to insure or jointly insure.

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Recommendation 12 – Priority 2 - Informing the insurer NCC Property Services and Insurance should ensure that all break-ins and site incidents for vacant properties are reported to the insurers to ensure the terms and	Corporate Property Management Group, comprising senior operational mangers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice.	An interim Head of Property has been recruited into the Council. This action has not yet been completed but work is now underway to establish the CPMG whilst the Property Transformation Programme is implemented.
conditions of the insurance policy remain valid.	Date for implementationBy 28 February 2018OfficerresponsibleforimplementationTeam Manager – Property –Strategy, Compliance andPerformance & Property and EstatesTechnician	Current practice has been improved and communication has been strengthened between Property and Risk & Insurance teams. The County Council's insurers, the Zurich Insurance Group, have been consulted on this particular matter and a response is awaited.
Recommendation 13 – Priority 2 - Review of joint venture approach to managing significant issues Once the immediate issues with the Grove Leisure Centre works have been resolved, Property Services should initiate a review with Arc of how the incident was managed through the joint venture arrangement, and any	Arc and NCC Property to review the actions undertaken to manage the two incidents and produce a "Lessons Learnt" paper. This will be used to review procedures to be utilised by all parties in the event of future similar incidents. Date for implementation By 31 March 2018 Officer responsible for	The audit report has further been used to inform the workstreams in the Property Transformation Programme.
agreed improvements are put in place.	<i>implementation</i> Group Manager Place Commissioning & Managing Director - Arc	

Recommendation	Management Response	Progress Update
Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements) Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to		
improve existing control arra Recommendation 14 – Priority 2 - Vacant property inspections Property Services should ensure that adequate resources are employed to deliver the approved frequency of vacant property visits, and the inspection record should include consideration of internal inspection, where safe to do so, and the containment of ACM contamination. Where appropriate this should include input from the Health and Safety Team.	An additional dedicated staff resource has now been appointed within property to undertake more frequent and more detailed routine inspections. Corporate Property Management Group, comprising senior operational mangers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice. Date for implementation By 28 February 2018 Officer responsible for implementation Group Manager Place Commissioning & Team Manager – Property – Strategy, Compliance and Performance	Complete. Regular inspections are taking place and a report is published on P2 and the relevant property file. Details of any Works Orders raised following the inspections are noted on the report before it is published.
Recommendation 15 – Priority 2 - Temporary use of empty buildings Property Services should develop a policy for the temporary use of vacant properties, and especially consider whether enhanced security arrangements are warranted to protect both the stored assets and the premises themselves.	A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate). Documents to be available on clearly identified shared drive. Date for implementation By 28 February 2018 Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician	Temporary use is no longer permitted. Longer term policies on this matter are being considered as part of the review of strategy, plans and policies in the Property Transformation Programme.

Appendix B

22 No. SURPLUS PROPERTIES -all risk rated

Very High Risk : 1 No. - 24 hour static security guards on site along with cctv cameras monitored 24/7

High Risk : 5 No. – cctv cameras monitored 24/7. Properties inspected on a monthly basis by a member of the Property & Estates Team

Medium/Low Risk : 16 No. – Regular inspections made by a member of the Property & Estates Team from monthly to quarterly depending on risk rating

28 No. SURPLUS SITES (LAND) - all risk rated

Regular inspections by a member of the Property & Estates Team from monthly to quarterly depending on risk rating. The majority of these sites are either protected by fencing/gates or have concrete blocks placed at the entrance etc. to protect them from possible illegal traveller encampments

13 No. VACANT PROPERTIES - all risk rated

High Risk : 2 No. – cctv cameras monitored 24/7 & inspected on a monthly basis by a member of the Property & Estates Team

Medium/Low Risk : 11 No. – regular inspections by a member of the Property & Estates Team from monthly to quarterly depending on risk rating

2 No. VACANT SITES (LAND) - all risk rated

Both Low Risk & inspected on a quarterly basis by a member of the Property & Estates Team