
Peebles Pool Fire – Lessons Learned

Report by Director Infrastructure & Environment

EXECUTIVE COMMITTEE

13 February 2024

1 PURPOSE AND SUMMARY

- 1.1 This report outlines the lessons learned review that took place with the relevant Council Officers, the Council's Insurers, Loss Adjustors and Contractors following the Fire at Peebles Swimming Pool on 19 June 2022
- 1.2 The lessons learned review found that:
- A review is to be undertaken across the operational and leased estate on how bins are managed and stored to prevent this type of scenario occurring again elsewhere within the Borders. This should focus initially on 'high risk' buildings such as schools, followed by those where external organisations occupy and manage Council owned buildings.
 - The Council and those that manage our buildings need to regularly audit assets to reduce risks.
 - Leases and Service Level Agreements should be redrafted clearly explaining responsibilities of all parties.
 - A claims protocol should be developed to clearly outline the process and responsibilities of landlord, tenant and other relevant parties during and following an incident to ensure clarity and timely nature of response.
 - A project team (lead by the Council) should be established and begin working immediately post incident to respond and support the reinstatement whilst also engaging with key parties and stakeholders.
 - A communications plan will be determined with the project reinstatement group at the outset.
 - Input from the Loss Adjustor along with the appointment of relevant specialists is required immediately post incident to ensure accurate information is captured at the outset of a claim.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Executive Committee:-**
- a. Acknowledge and endorse the lessons learned outcomes as outlined within this report; and**
 - b. Agree that further reports are brought to Executive Committee for consideration as they are developed during 2024/25.**

3 BACKGROUND

- 3.1 On Sunday 19 June 2022, Peebles Swimming Pool suffered a significant fire. The fire was the result of a wilful fireraising incident, where a bin was set alight by teenagers. The bin was located in close proximity to the rear of the pool meaning that the fire quickly spread to the building itself. The building belongs to Scottish Borders Council and is operated by Live Borders.
- 3.2 The Scottish Fire & Rescue Service (SFRS) attended the incident and extinguished the fire. The fire caused damaged to the plant room, the roof and some of the external fabric. The building suffered greater and more significant damage from water used in extinguishing the fire. Following the fire the Council's insurers and contractors supported the reinstatement of the pool which reopened in August 2023.
- 3.3 The works to reinstate Peebles Swimming Pool cost £1.42m. The reinstatement works were funded through a receipt of £719k from the Council's insurance policy, net of the £100k property deductible (or excess); £517k from the Capital Programme; £100k from the Insurance Fund and £84k from property revenue budgets. Reinstatement works included the installation of solar PV panels (£117.4k), redecoration throughout (£35.7k) and a new fire alarm system (£45k).
- 3.4 In January 2024, a lessons learned exercise was undertaken. This was attended by Council Officers, the Insurers, the Loss Adjustor and Contractors. The aim was to identify key learning points in relation to the reinstatement process. Zurich Municipal (the Council's current insurers) have offered incident management training for these types of incidents in the future.

4 LESSONS LEARNED

4.1 Bin Management

- 4.1.1 There was an enclosure for the bins near the pool building. On the date of the fire, the bin was positioned against the building and not within the enclosure. It is unclear whether the bin:
- had been temporarily relocated and left out of the enclosure on this one occasion,
 - whether the bin was relocated prior to the fire being started, or
 - whether the bin was located adjacent to the building (and outwith the bin store) on a regular occurrence.
- 4.1.2 Post incident, it is recommended that a review is undertaken across the operational and leased estate on how bins are managed and stored to prevent this type of scenario occurring again elsewhere within the Borders. Estates are responding to this recommendation, working with the Councils' insurers (Zurich Municipal), who are supporting the Council in providing risk management guidance.

- 4.1.3 The highest risk identified for these types of incident are within the school estate. It is proposed that the initial focus should be on these buildings followed by those where external organisations occupy and manage Council owned buildings. A full audit of bin management across the estate will take time however this should be carried out within the next 12 months. The Council is re-tendering insurance provision from February 2024 and potential bidders will be keen to understand the progress made against this.
- 4.1.4 The Council are working to remove or mitigate risks that bin management presents for new build properties by working with the insurers. However, performance of the organisation and those that manage our buildings needs to be regularly audited and responsibilities clearly outlined within service level agreements and leases (refer to 4.2.2 below).

4.2 Leases in Force

- 4.2.1 Post incident, there were issues in obtaining an updated version of the lease to ensure that responsibilities were defined. The lease in force was found to be lacking in detail in that it did not clearly outline responsibilities of landlord and tenant and updates did not cover all of the activities undertaken.
- 4.2.2 Since the reinstatement, the Council approved in November 2023 a 12-month joint transformational change programme with Live Borders to implement 26 external consultant recommendations along with 5 additional pieces of work. This is in addition to completing a review of existing governance arrangements and the creation of a new Service Provision Agreement and a new Performance Management Framework. Included within this suite of recommendations, which covers the estate leased to Live Borders, is a review of current maintenance and repair responsibilities. This is likely to conclude April 2024; and the implementation of new leases (with associated service level agreements, maintenance schedules, etc), is likely to conclude July 2024. Council will be kept updated on progress being made within the transformational change programme with Live Borders on a regular basis with the first update expected in March 2024.
- 4.2.3 As part of the review, it is proposed that a claims protocol is developed to clearly outline the process and responsibilities of landlord and tenant during and following an incident to ensure clarity and timely nature of response and parties that would be involved (eg loss adjustor, insurers and contractors as required). Where a building is managed by an external organisation, the insurance is held by the Council and whilst officers will endeavour to involve the organisation, it may not always be possible to do so. This applies to all tenant/ 3rd party occupied buildings. Estates are responding to this recommendation, working with the Councils' insurance partners at the City of Edinburgh Council in progressing this.

4.3 Officer Resource for Building Reinstatement

- 4.3.1 With workload pressures and competing priorities across the region, it proved very challenging to manage reinstatement planning and works whilst officers also carried out their day-to-day roles within the Council.
- 4.3.2 The instruction of external contractor, on this occasion, SB Contracts, resulted in expediting the progress made against reinstatement.
- 4.3.3 It is therefore proposed that, in the event of future losses, a project team (lead by the Council) is established and begins working immediately post incident to respond and support the reinstatement whilst also engaging with key parties and stakeholders. This will form part of the claims protocol referenced in 4.2.3 above.

4.4 Communications

- 4.4.1 Whilst there were regular progress meetings for the insurance reinstatement, it was clear that Elected Members and members of the local community were not privy to much of this information. It is clear that a greater level of regular external communications would have been beneficial.
- 4.4.2 For future incidents, a communications plan will be determined with the project reinstatement group at the outset. This will form part of the claims protocol referenced in 4.2.3 above.

4.5 Reinstatement – Insurer Requirements

- 4.5.1 The Council has engaged with the Insurers and loss adjustors throughout the reinstatement process.
- 4.5.2 Maintenance subcontractors, reporting to Live Borders, provided initial damage assessment reports however these were not sufficient from an insurance perspective. This resulted in more detailed additional surveys and assessments being undertaken to provide sufficient detail on scale and nature of reinstatement works required.
- 4.5.3 Input from the Loss Adjustor along with the appointment of relevant specialists is required immediately post incident to ensure accurate information is captured at the outset of a claim. This helps inform the reserve of the claim which is a regulatory requirement for insurers.
- 4.5.4 The Insurance Team will publish information on the intranet to share insurers processes after a loss and provide similar support in the event of a future loss.

5 IMPLICATIONS

5.1 Financial

The total cost of reinstatement was £1.420m. A summary of the costs is detailed in the table below, alongside the funding arrangements.

Description of Work	Cost £m
Construction costs	1.337
Demolition works	0.053
Professional fees	0.030
Total Cost	1.420
Source of Funding	Funding £m
Insurance receipt	0.719
Capital Blocks	0.517
Insurance Fund	0.100
Property Revenue Budget	0.084
Total Funding	1,420

5.2 Risk and Mitigations

The report fully describes all the elements of risk that have been identified in relation to this project and no specific additional concerns need to be addressed

5.3 Integrated Impact Assessment

This report considers the circumstances around the fire at Peebles Swimming Pool and the approach and works that followed in response that.

Part 1 of the IIA template has been completed. It determines that a Full IIA is not required for this specific report. This is because the detail within this report does not have an immediate impact on other policies.

The report will impact on Estates and Property Practices, it will lead to the revision or development of an operational procedures that seek to better protect built assets, services that use these and building users more generally.

In addition, it will inform lease arrangements with third parties in future, more clearly setting out roles and responsibilities of parties.

It will also lead to the development of a new insurance claims protocol and process to tighten focus on the steps that need to be taken, the roles that need to be fulfilled, the responsibilities of each party involved and a clear communications plan.

As each of these steps are taken forward, reports will be brought to Executive Committee, where appropriate for consideration and these will be accompanied by an IIA.

5.4 Sustainable Development Goals

N/A

5.5 Climate Change

N/A

5.6 Rural Proofing

This section should only be completed if this is a new or amended policy or strategy.

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

6 CONSULTATION

- 6.1 The Director (Finance & Procurement), the Director (Corporate Governance), the Chief Officer Audit and Risk, the Director (People Performance & Change) and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

Approved by

Name

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Background Papers:

Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. John Curry can also give information on other language translations as well as providing additional copies.

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