
EMERGENCY PLANNING – THE CIVIL CONTINGENCIES ACT 2004 – PUBLIC CONSULTATION

1 SUMMARY

- 1.1 This report introduces the consultation process initiated by the publication of the Civil Contingencies Act 2004, and the draft Regulations and Guidance documents that accompany the Act.
- 1.2 The report will also inform Members of the key elements of the Act and draft Regulations, take account of new requirements, and suggest a way forward for emergency planning in Rochford.

2 INTRODUCTION

- 2.1 The Civil Contingencies Act, which gained Royal Assent on 18 November 2004, was published on 9 December 2004. With it came:
- A short guide to the Act reproduced as Appendix 1 to this report.
 - A Consultation document on the draft Regulations and Guidance documents, reproduced as Appendix 2 to this report.
 - “Preparing for Emergencies” – draft Guidance on Part 1 of the Civil Contingencies Act.
 - “Responding to Emergencies” – draft Guidance on response to and recovery from emergencies.
- 2.2 The latter two documents, at 225 and 73 pages long respectively, will not be reproduced, but will be referred to as necessary.

3 CIVIL CONTINGENCIES ACT 2004

- 3.1 The Civil Contingencies Act 2004 places new statutory duties in connection with emergency planning on, amongst other organisations, local authorities. (See Appendix 1). The significant points are:
- The formation of a "Local Resilience Forum"
 - The creation of a Community Risk Register
 - The duty to have a Business Continuity Plan
 - The provision of Business Continuity advice to the commercial sector
 - The joint discharge of functions

Local Resilience Forum

- 3.2 The Local Resilience Forum (LRF) is the generic term given to the strategic management and planning group within a Police area, e.g. a County. These mostly exist across the UK now under various guises, and certainly in Essex as the Essex Emergency Services Co-ordination Group, although the Guidance to the Act suggests an increased seniority to the Forum than that which currently sits in Essex.
- 3.3 The Guidance suggests that each LRF be chaired by the Chief Constable, with Chief Officers from the Blue Light services, the Chief Executive of the County Council, a District Council Chief Executive to represent Districts, and the Chief Executive of the lead Primary Care Trust, amongst other senior representatives from the Utilities, the Army, and the Regional Government Offices.

Community Risk Register

- 3.4 The Community Risk Register is intended to be an amalgam of known and possible risks in a County. It will be a multi-agency document. Whilst the form of the document is not prescribed, it is probable that this Register will identify by overview:
- Which responders will be affected by stated hazards
 - Signpost where the detailed responses and control measures can be found.
- 3.5 The Register will not be an overnight creation, requiring considerable liaison and the interlocking and overlapping of plans from various organisations. Hence, the requirement to co-operate and share information is present – “not my plan, not your plan, but our plan”.

Business Continuity Plan

- 3.6 All Category 1 Responders must have their own Business Continuity Plan, on the simple premise that unless they do, they cannot deal with an emergency that directly affects the workplace or the processes and people that make the emergency plan work. This is an area that cannot be the subject of joint discharge, referred to at 3.8 below, although there is scope for common working across the County.

Business Continuity Advice

- 3.7 Local authorities are under a duty to provide Business Continuity advice to the commercial sector. This is likely to follow an audited need, and liaison with the Insurance industry to avoid either duplication of effort, or the provision of contrary advice already received.

Joint discharge of functions

- 3.8 The Act allows for the joint discharge of functions between responders. For example, where a county council has played a significant part in emergency planning for districts, a district council can arrange for the county council to continue to play a part, to an agreed level, and at an agreed price, in the emergency planning for that district. Nevertheless, a district must have a response process of its own, and the appropriate staff to undertake that response. It should be noted that whilst the joint discharge of duties is possible, the responsibility remains attached to each Category 1 responder regardless of which authority is the lead authority. Equally, the existing statutory functions of respective levels of local authorities are not overridden by the Act.

4 DRAFT REGULATIONS

- 4.1 The draft Regulations cover the extent of the duties under the Act and the manner in which they are to be performed. In particular between the Act and the draft Regulations, it is clear that considerable flexibility is afforded to local authorities in how they carry out their new duties, subject as referred to above at 3.6.
- 4.2 New mechanisms will be necessary in councils, where none already exist, to cover risk assessment and the contribution to the Community Risk Register, the provision of generic and specific plans, and the likely increased liaison to achieve that, publication of plans and assessments and warning and advice to the public. There is also a need to demonstrate that training is provided for an *“appropriate number of suitable staff”* as well as *“such other persons (the council) considers necessary”*. This could involve councils providing training, or funding external training, for the voluntary sector, because of the duty to *“have regard to the activities of bodies (other than public or local authorities) whose activities are not carried out for profit”* and relevant to an emergency, such as the Red Cross, St. John Ambulance, the WRVS and the Salvation Army.

Grant

- 4.3 County authorities, Metros and Unitaries etc. currently receive Cabinet Office grant towards emergency planning. Many, if not most, councils top that figure up to some degree.
- 4.4 This Grant will cease with effect from the Financial Year 05/06. Funding is instead being passported through the general revenue support grant system, although this is not ring-fenced as such. Rochford's additional funding as reflected in the revenue support grant equates to some £19K, which is a relatively small amount given the tasks outlined above.

5 FUTURE WORK

- 5.1 All councils will now face increased work in order to comply with the Act. The degree may vary subject to work already undertaken. The whole of this council's existing generic emergency plan will need review and so far two specific plans are likely, namely a flood evacuation plan for Foulness, and an off-site emergency plan for Southend Airport. Preliminary work is already in hand in both these areas. Other work is likely to emerge over time.
- 5.2 In addition increased liaison will be required with other Category 1 and 2 responders in order to determine what involvement will be required by them in any of Rochford's plans, and vice-versa. Although it seems that Business Continuity advice to the commercial sector may be postponed from the original start date of the Act, some preliminary work would be prudent to identify the scope and extent of take-up. It is expected that the Act will come into force on 1 April 2005 with Business Continuity coming into force from 1 October of that year.
- 5.3 Staff training needs will require identification and costing. By way of example courses at the Emergency Planning College generally cost £380 per person, per course at current rates. If the Council's required response team is to be 6 officers, each might be required to undertake two courses; all to take the foundation course and then each to take at least one development module, a total cost £4,560.
- 5.4 Equipment needs will also require identification for the business continuity needs of the council as well as general response equipment for major incidents, particularly if identified through the Risk Assessment process.

6 A WAY FORWARD

- 6.1 The Act requires Category 1 responders to co-operate with each other to fulfil duties. The Act also provides for joint discharge of duties. There are likely to be similar training requirements for a number of authorities at a similar time. Officer level discussions, including Chief Executives, have taken place across Essex in order to identify any areas of consensus around the future of emergency planning in the County. Taken as a whole, the possibilities of economies of scale for training opportunities, joint working and building capacity, as well of introducing consistency of work across the whole County, have become apparent. This may include looking at the provision of business continuity advice to the commercial sector. Essex County Council has its own dedicated internal Business Continuity officer who is engaged in a County wide local authority Business Continuity forum, which looks at external business advice as well as internal Business Continuity. This too is an area to be developed.
- 6.2 The scope for joint working with the County Council will need to be explored further, given the expertise existing at that level.

7 RESOURCE IMPLICATIONS

- 7.1 The Council has received some increased funding through RSG for emergency planning purposes. However, this funding is not ring-fenced. The new duties will result in an increase in work in this area, beyond that of a single person appointment, and hence a provision of £25K has been proposed for the draft revenue estimates for 2005/2006.
- 7.2 Further funding may be required once the detailed implications and timeframes associated with legislation are fully worked through.
- 7.3 Essex County Council has a significant element in grant towards emergency planning, and it is believed that additional funding will be found from within its resources.

8 PARISH IMPLICATIONS

- 8.1 All Parishes are likely to be affected by the Council's emergency planning arrangements, and might wish to take a stronger part in these, although that in itself will require additional resourcing and understanding at parish level.

9 RECOMMENDATION

- 9.1 It is proposed that the Committee **RESOLVES**
- (1) To note the likely implications of the legislation in relation to Rochford District.
 - (2) That a provision of £25,000 be considered for the 2005/2006 Budget Strategy.
 - (3) To respond to the current round of consultation by expressing continuing concern over the inadequacy of the funding set aside to implement and carry forward the consequences of legislation.
 - (4) That the joint discharge of duties be explored in partnership with other Essex local authorities

Paul Warren

Chief Executive

Background Papers:-

None

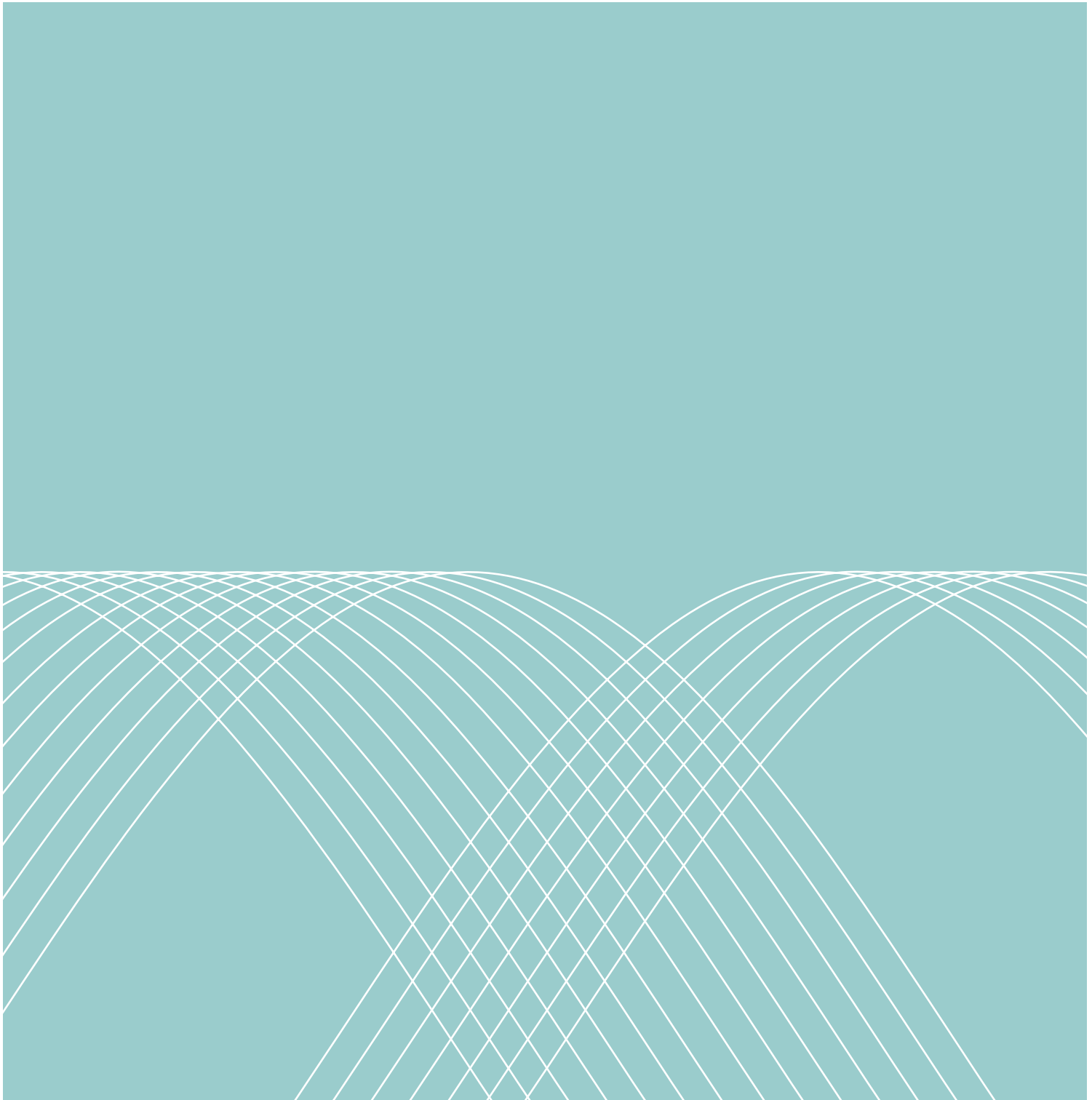
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Civil Contingencies Act 2004: a short guide





Background

Following the fuel crisis and the severe flooding in the autumn and winter of 2000 the Deputy Prime Minister announced a review of emergency planning arrangements. The review included a public consultation exercise which reinforced the Government's conclusion that existing legislation no longer provided an adequate framework for modern civil protection efforts and that new legislation was needed.

The Government carried out a public consultation exercise from June to September 2003 on a draft Bill setting out proposals for a new framework for civil protection work at the local level and a new framework for the use of special legislative measures. The draft Bill then underwent pre-legislative scrutiny by a Joint Parliamentary Committee. Following amendments in the light of consultation, and the recommendations of the Committee, the Bill was introduced to Parliament on 7 January 2004. Its development was informed from the start by close consultation with key stakeholders in what was an open and inclusive policy-making process.

The Bill received Royal Assent on 18 November 2004. It should henceforth be known as the Civil Contingencies Act 2004 (the "Act").

Overview of the Act

The Act, and accompanying regulations and non-legislative measures, will deliver a single framework for civil protection in the United Kingdom to meet the challenges of the twenty-first century. The Act is separated into two substantive parts: local arrangements for civil protection (Part 1) and emergency powers (Part 2). The overall objective for both parts of the Act is to modernise outdated legislation. Key to this is an updating of the definition of what constitutes an "emergency".

Definition of Emergency

Civil Protection activity at the local level previously took place under Civil Defence legislation dating from 1948. This legislation defined the events local responders should prepare for in terms of "hostile attack" from a foreign power. With the ending of the Cold War such a threat evaporated and local efforts have been focused on preparing for civil emergencies such as localised flooding and major transport accidents. Emergency Powers legislation is older still. The Emergency Powers Act 1920 defines an emergency in terms of interference with specified services and resources which will deprive the community of the essentials of life. A great deal has changed since 1920. The list of services and resources in the 1920 Act was out of date. In addition, the focus of the 1920 Act on essential services and resources failed to reflect the kinds of emergency which the UK now faces (for example, the 1920 Act did not clearly cover terrorist threats or threats to the environment).

In modernising both local civil protection activities, and the powers the Government may need in order to deal with the most serious disruptive challenges, it was necessary to introduce a new updated definition of an emergency. The Act focuses on three types of threat -



- *an event or situation which threatens serious damage to human welfare;*
- *an event or situation which threatens serious damage to the environment; or*
- *war, or terrorism, which threatens serious damage to security.*

This does not mean that the definition of “emergency” is the same in both Parts. In Part 1, the threat must pose a threat of serious damage to human welfare or the environment of a “place” in the United Kingdom. This reflects the fact that Part 1 is designed to deal with preparations by local responders for localised emergencies. In Part 2, the threat must pose a threat of serious damage to human welfare or the environment of one of the English Regions, or one of the other constituent parts of the UK (Scotland, Wales or Northern Ireland). This higher threshold reflects the fact that Part 2 is designed for use in very serious emergencies which affect a larger geographical area.

For Part 1 of the Act the definition sets out the range of possible incidents which local responders must prepare for as set out in specified civil protection duties. For Part 2 it sets out the situations in which it may be possible to use emergency powers if the appropriate safeguards are met.

Part 1: local arrangements for civil protection

The purpose of Part 1 of the Act is to establish a new statutory framework for civil protection at the local level. This, together with accompanying guidance and regulations, will set out clear expectations and responsibilities for front line responders at the local level to ensure that they are prepared to deal effectively with the full range of emergencies from localised incidents through to catastrophic emergencies. It divides local responders into two categories.

Those in **Category 1** will have duties placed upon them to:

- Assess local risks and use this to inform emergency planning;
- Put in place emergency plans;
- Put in place Business Continuity Management arrangements;
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
- Share information with other local responders to enhance co-ordination;
- Co-operate with other local responders to enhance co-ordination and efficiency; and
- Provide advice and assistance to businesses and voluntary organisations about business continuity management. (Local Authorities only).

Those to be covered by the duties at present are:

Local Authorities	Emergency Services	NHS Bodies
<ul style="list-style-type: none"> • All principal local authorities 	<ul style="list-style-type: none"> • Police Forces • British Transport Police • Police Service of Northern Ireland • Fire Authorities • Ambulance Services 	<ul style="list-style-type: none"> • Primary Care Trusts • Health Protection Agency • NHS Acute Trusts (Hospitals) • Foundation Trusts • Local Health Boards (in Wales) • Any Welsh NHS Trust which provides public health services
Government agencies <ul style="list-style-type: none"> • Environment Agency • Scottish Environment Protection Agency 		



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<ul style="list-style-type: none"> Maritime and Coastguard Agency 	<ul style="list-style-type: none"> Health Boards (in Scotland) Port Health Authorities
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Category 2 organisations will be placed under the lesser duties of co-operating with these organisations and sharing relevant information. Those to be included at present are:

<p>Utilities</p> <ul style="list-style-type: none"> Electricity Gas Water and Sewerage Public communications providers (landlines and mobiles) 	<p>Transport</p> <ul style="list-style-type: none"> Network Rail Train Operating Companies (Passenger and Freight) Transport for London London Underground Airports Harbours and Ports Highways Agency 	<p>Government</p> <ul style="list-style-type: none"> Health and Safety Executive <p>Health</p> <ul style="list-style-type: none"> The Common Services Agency (in Scotland)
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The Act enables the Minister to alter the membership of both Categories of responder in order to ensure flexibility and to take account of future developments

The detail of what this means in practical terms will be fleshed out in regulations and guidance. It is intended that Category 1 and 2 organisations come together to form 'Local Resilience Forums' (based on police areas) which will help co-ordination and co-operation between responders at the local level.

While it is primarily focused at civil emergencies, Part 1 will improve the UK's ability to deal with the consequences of a wide range of disruptions by improving the planning process at a local level, building better contacts between organisations and ensuring what goes on at the local level dovetails with efforts at the regional and national levels.

Part 2: emergency powers

In the UK emergency powers allow the making of special temporary legislation to deal with the most serious of emergencies. They are not a means for instigating martial law, for undermining Parliament, banning political parties or anything else of that nature. An essential point to note is that Emergency Powers legislation is a mechanism for dealing with only the most serious of emergencies that require an urgent response, an instrument of last resort. The previous emergency powers legislation (the Emergency Powers Act 1920) was used twelve times in its eighty-four year history, the last time being in 1974. In the years since, a considerable amount of sector specific emergency legislation has been introduced which reduced the need to resort to emergency powers, in part because of a recognition that Emergency Powers legislation was inadequate.

Nevertheless, there is still a need for a latent capacity to rapidly make new temporary statutory provision where this is the most effective way of enabling the resolution of an emergency situation. The Government needs a tool that can be deployed to address all forms of disruptive challenge where existing legislation is insufficient.



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The Act repeals the existing legislation (the Emergency Powers Act 1920 and its Northern Ireland counterpart, the Emergency Powers Act (Northern Ireland) 1926), and the emergency powers provisions of the Act extend to the whole of the UK. It sets out a new definition of what constitutes an emergency appropriate to the times in which we live and incorporating new risks and threats which were not so relevant in 1920, including terrorist attacks, contamination of land following a biological or chemical terrorist attack and loss of communications systems on which we now depend.

As with the 1920 Act, the Act allows the making of temporary special legislation aimed at dealing with a serious emergency that fits within the definition. The Queen, as Head of State, will formally indicate that emergency powers are necessary as part of the Order in Council that makes the regulations themselves. For the first time a fallback option has been included to cover the possibility that emergency powers will be needed, where the Queen is, for whatever reason, unable to act. The Act therefore allows for a senior Minister or the Prime Minister to make the regulations in the unlikely event that Her Majesty is not able to do so.

The Act introduces a range of other new features, mostly designed to ensure emergency powers cannot be misused and can be used in a more targeted and proportionate manner. The centre piece of these is the “triple lock”, which ensures emergency powers will only be available if:

- an emergency that threatens serious damage to human welfare, the environment or security has occurred, is occurring or is about to occur;
- it is necessary to make provision urgently in order to resolve the emergency as existing powers are insufficient and it is not possible to bring forward a Bill in the usual way because of the need to act urgently; and
- emergency regulations must be proportionate to the aspect or effect of the emergency they are directed at.

In addition emergency regulations:

- cannot prohibit or enable the prohibition of participation in, or any activity in connection with, a strike or other industrial action;
- cannot instigate any form of military conscription;
- cannot alter any aspect of criminal procedures;
- cannot create any new offence other than breach of the regulations themselves;
- must be compatible with the Human Rights Act and EU law; and
- are open to challenge in the courts

For the first time it is possible to use emergency powers on a regional and/or devolved administration basis. This ensures any special temporary legislation will apply only in the part of the UK affected by the emergency, leaving those elsewhere unaffected.

The Act also requires the appointment of a ‘Regional Nominated Co-ordinator’ (“Emergency Co-ordinator” in the devolved administrations). This individual will be a highly trained crisis-manager with expert knowledge of the particular type of emergency in question who, if emergency powers are used, will act as the focal point for co-ordination of response efforts at the regional or devolved administration level.



As with the existing legislation, emergency regulations must be presented to Parliament for its approval as soon as practicable after being made. Parliament may amend the regulations and must approve them within seven days of laying. If Parliamentary approval is not forthcoming, the regulations cease to have effect. The maker of emergency regulations would be subject to an obligation to protect and restore the ability of Parliament to scrutinise emergency regulations, and the ability of the Courts to entertain challenges.

The Government has given a commitment to ask a senior Privy Councillor to conduct an inquiry within one year of any use of emergency powers. The report would be published and debated in both Houses of Parliament.

Devolution

The Act applies to the whole of the UK and reflects the various devolution settlements. Civil protection is largely devolved to Scotland. However, the Scottish Parliament consented to Part 1 of the Act being extended to Scotland. In light of this, the powers conferred on Ministers under Part 1 of the Act (power to make regulations and guidance etc.) are, in relation to devolved matters in Scotland, exercisable by Scottish Ministers. The Scottish Ministers and UK Ministers must consult each other when exercising their legislative powers under Part 1. In Wales, UK Ministers will make legislation and issue guidance in relation to responders in Wales. However, the Act requires the UK Ministers to obtain the consent of the Assembly before taking action in relation to a responder in Wales which falls within devolved competence. In Northern Ireland different administrative arrangements at the local level make it impossible for Part 1 to apply to Northern Ireland in the same way as it applies in the rest of the UK. It does apply to certain bodies in Northern Ireland who exercise non-devolved functions. In addition, Northern Ireland Ministers will ensure devolved organisations act in line with the duties set out in the Bill.

Emergency powers are a reserved matter. However, Part 2 ensures the devolved administrations will be consulted, if emergency powers are to be used in their territory, wherever possible. It allows emergency powers to be used in Scotland, Wales or Northern Ireland alone for the first time, though the use of emergency powers remains with Westminster.

Concordats will be drawn up with each of the devolved administrations setting out in more detail how these arrangements will work in practice in relation to both Parts of the Act. These will be published in due course.

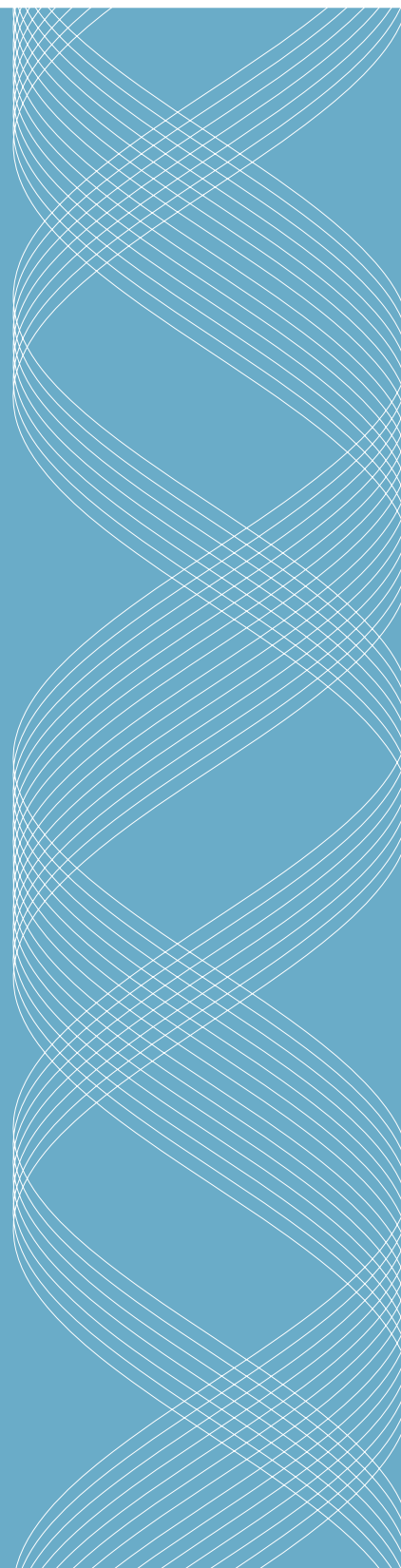
Further information

The Act, and all accompanying documents, can be found at <http://www.ukresilience.info/ccact/index.htm>.

If you would like to know more about any specific aspect of the Act, you can email the Act Implementation Team at ccact@cabinet-office.x.gsi.gov.uk.



Civil Contingencies Act 2004: Consultation on the draft Regulations and Guidance





**Civil Contingencies Act 2004:
Consultation on the draft Regulations and Guidance**

Cabinet Office

Presented to Parliament by the Minister for the Cabinet Office
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Ministerial foreword by Ruth Kelly Minister for the Cabinet Office



The Government has made significant progress in improving the resilience of the UK to disruptive challenges. We have undertaken a wide range of measures to enhance our capabilities, and made significant new investment. The Civil Contingencies Act 2004 supports this step change. The Act provides a coherent and unambiguous legislative framework for building resilience by establishing clear roles and responsibilities for those at the forefront of response.

The Government made a commitment to consult on the draft Regulations and Guidance under Part 1 of the Act. We are now fulfilling this promise. This document outlines how the provisions of the Act will be delivered through the Regulations and the accompanying Guidance and explains how you can contribute to the development of the final material.

Our consultation in June 2003 on the draft Civil Contingencies Bill generated a high number of responses. We are grateful to the many individuals and organisations that responded to that consultation and shared with us their experience and expertise in the area of emergency preparedness. I hope that a similarly high number of people will respond to this consultation.

I look forward to hearing your views.

RUTH KELLY
Minister for the Cabinet Office

Executive Summary

- 1.** The Civil Contingencies Bill received Royal Assent on 18 November. It is now the Civil Contingencies Act 2004 (“the Act”).
 - 2.** Part 1 of the Act identifies the organisations that play a vital role in civil protection throughout the UK. Part 1 establishes a statutory framework for civil protection at the local level, setting out clear roles and responsibilities for front line organisations in preparing for emergencies. These organisations are referred to as ‘local responders’.
 - 3.** In order to ensure that the provisions of Part 1 of the Act are implemented effectively, a package of Regulations and Guidance is required. The Government is now consulting on the package. The Government is not consulting on the Act itself but it is referenced to assist the reader. It can be found at <http://www.ukresilience.info/ccact> along with the rest of the consultation package.
 - 4.** The policy development process for the draft Regulations and Guidance has been undertaken in close consultation with a range of stakeholders. The involvement of these experts has been central in the development of practical guidance which is designed to assist practitioners in implementing the requirements of the Act.
 - 5.** There are four documents in the consultation package;
 - a) This consultation document;
 - b) Draft Regulations;
 - c) Draft Guidance in two volumes;
 - a. *Preparing for Emergencies*; and
 - b. *Responding to Emergencies*
 - 6.** The purpose of this document is to give an overview of the draft Regulations and Guidance in support of the Act and to invite your views.
 - 7.** The draft regulations are part of the statutory framework. The Regulations spell out the requirements of the Act in more detail. The Government wants to ensure that the right balance is struck between prescription and permissiveness.
 - 8.** Between them, the two volumes of guidance cover in the six phases of Integrated Emergency Management. *Preparing for Emergencies* outlines the first four stages of prevention Anticipation, Assessment, Prevention and Preparation whilst *Responding to Emergencies* details the later stages of Response and Recovery. The Government wants to ensure that the structure and content of both documents is right.
 - 9.** *Preparing for Emergencies* is statutory guidance outlining the seven main duties in Part 1 of the Act, which relate to the preparatory phases of civil protection, and how those duties should be interpreted. It also focuses on outlining good practice in carrying the duties and providing further useful information.
 - 10.** *Responding to Emergencies* is non-statutory guidance, and primarily deals with post-emergency response and recovery. It provides an overview of the multi-agency response arrangements at the local level and the relationship with central and regional tiers of government.
- ### Responding to this consultation
- 11.** The primary audience for this consultation is local responders who will be responsible for interpreting the provisions of the Act for their organisations and ensuring they are understood and implemented.
 - 12.** The consultation period is 12 weeks and the deadline for responses is 3 March. Further details of the consultation process can be found at the end of this document.

Draft Part 1 Regulations

13. The seven main civil protection duties are set out on the face of the Act, though the extent of those duties, and the manner in which they are to be performed, is detailed in the draft Regulations. The draft Regulations are supported by *Preparing for Emergencies*.

14. The Regulations apply to England and Wales and to some organisations in Scotland and Northern Ireland which have non-devolved functions. For example, within Northern Ireland and Scotland, the Police Service of Northern Ireland and the Maritime and Coastguard Agency are covered by the Regulations and Guidance issued by a Minister of the Crown. The arrangements reflect the devolution settlements. The Scottish Ministers will be issuing separate Regulations and Guidance which relates to local responders in Scotland which fall within devolved competence.

15. The Regulations the Government is consulting on relate to Part 1 of the Act. The Regulations indicate in more detail what the extent of the seven civil protection duties is, and how they should be performed.

16. The Regulations are divided into nine Parts⁽¹⁾. Part 2 of the draft Regulations specifies the framework for performing the duties imposed by Part 1 of the Act, defining and explaining the overarching concepts;

- a) co-operation and the role of local resilience forums;
- b) cross border co-operation with Category 1 responders in Scotland including the use of protocols to set out the terms of co-operation;

- c) the “lead” responder approach;
- d) exemptions from the emergency planning duties when an emergency is already defined under other regulations such as the Control of Major Accident Hazards Regulations 1999;
- e) arrangements to jointly undertake duties under the Act; and
- f) the geographical application of the Act in Part 1 of the Regulations.

17. The requirements of the seven main duties of Part 1 of the Act are detailed in Parts 3 to 8 of the Regulations. These include specifying the required mechanisms for co-operation and information sharing and the establishment and maintenance of Community Risk Registers.

18. The Act provides that local responders must comply with the Regulations. While the Guidance issued under the Act (which encompasses most of Volume 1) is not binding in the same way, the Act provides that local responders must “have regard” to it.

Questions on the draft Part 1 Regulations

Q1: Do the draft Regulations strike the right balance between prescription and permissiveness?

Q2: Are there any areas of the Regulations that should be in the Guidance?

Q3: Are there any areas of the Guidance that should be in the Regulations?

(1) Both Acts of Parliament and Regulations are divided into Parts. Parts of Acts are subdivided into sections. Parts of Regulations are subdivided into Regulations.

Draft Guidance in support of Part 1 Regulations: Preparing for Emergencies

19. *Preparing for Emergencies* provides statutory guidance advice and useful information about civil protection in a number of key areas. It details the pre-emergency phases of civil protection work – Anticipation, Assessment, Prevention and Preparation. It explains the operation of the Part 1 Regulations, setting out clearly the distinction between requirements of the Act to which local responders must comply and that guidance to which they must have regard. Additional guidance which is outside the direct scope of the Act is given. *Preparing for Emergencies* also provides information about civil protection arrangements at the regional and national levels.

20. During 2004, the Government involved practitioners and experts in the development of the Guidance by establishing six working groups. These groups considered what guidance was required for each of the main civil protection duties under Part 1 of the Act. They also proposed amendments to the draft Regulations which had been published when the Bill first went before Parliament in January 2004. Membership of the working groups was made up of expert individuals from a range of practitioner organisations such as the Emergency Planning Society, Association of Chief Police Officers, and the National Steering Committee for Warning and Informing the Public and the Business Continuity Institute.

21. The resilience framework described in the Guidance is purposely flexible to allow local responders latitude to implement its provisions in accordance with priorities in their areas. It seeks greater consistency and coherence in UK arrangements, but does not seek to create or impose standardised requirements across the UK or upon all those organisations involved in civil protection. Accordingly, the level of direction and prescription is low.

22. *Preparing for Emergencies* has 19 chapters. Most chapters, with the exception of the Introduction, have a similar structure. For ease of use, the chapters are separated into four parts:

- a) summary, which provides an overview of the chapter;
- b) requirements on local responders imposed by the Act and Regulations;
- c) guidance on good practice in how to fulfil the requirements of the Act and Regulations; and
- d) additional information to help carry out the duties of the Act and Regulations.

Later chapters which do not follow directly the requirements of the Act, also follow a similar structure.

23. The Introduction provides an overview of the provisions of the Act and information about how to use the Guidance. The seven main duties of the Act are outlined in chapters 2-8.

24. Chapter 9 focuses on the civil protection frameworks and arrangements that will apply in London, where they will differ from the rest of the UK. The special arrangements in the Devolved Administrations are detailed in chapters 10-12. Chapters 17-18 complete the picture by providing an overview of the non-statutory but complementary role of the regional tier in civil protection.

25. An overview of how the provisions of the Act will be monitored and enforced is provided in chapters 13 and 16. A series of performance indicators have been developed in relation to each of the main Part 1 duties to assist local responders in assessing their own progress with implementation of the Act.

26. For completeness, brief information about those organisations that do not have statutory duties under the Act, but that might be involved in the preparation of planning arrangements is detailed in chapter 15.

Questions

Q4: Do you have comments on the structure and design of the draft guidance document

Preparing for Emergencies?

Q5: Is there additional guidance or are there further references that should be included in the draft guidance document *Preparing for Emergencies*? For example, are enough practical examples provided?

In addition, the response pro forma asks for your comments on individual chapters (questions 6-24)

Responding to Emergencies

27. The second document, *Responding to Emergencies*, is non-statutory guidance. It details the post-emergency phases of civil protection work – Response and Recovery. It provides useful reference material about response structures and mechanisms at local, regional and UK levels.

28. *Responding to Emergencies* is intended for two audiences. Firstly, it is an accompanying reference manual to *Preparing for Emergencies*, providing practitioners with an overview of the response mechanisms and detail the relationship between central and regional tiers of government. Secondly, it will be of use to all front line responders and supporting agencies, including senior staff, who require an overview of what will happen in response to an emergency and how the different response services fit together.

29. The document builds upon the established material within the Cabinet Office publication, *Dealing with Disaster*. It has provided a good overview of the organisations and processes involved in emergency response. In many respects, it has been accepted as the standard reference manual because it has provided a comprehensive account of how the multi-agency response framework operates in the UK. It has been revised on several occasions to include sections on the media and warning arrangements. It has been useful both to those practitioners new to the profession who needed familiarisation with the area and those who wanted to gain a better understanding of emergency response

30. The overall structure and much of the material from *Dealing with Disaster* remains pertinent, though, where necessary, it has been amended or extended to reflect the changes as a result of the Act.

31. *Responding to Emergencies* has thirteen chapters. Each chapter provides an overview of the structures in place to respond to an emergency. The general principles of response detailing the management and co-ordination of an emergency and the shift from response to recovery are outlined in chapters 2 and 3.

Key concepts that are commonly used throughout the emergency services and local responder communities such as Integrated Emergency Management are explained in chapter 2. Chapter 3 provides an overview of the characteristics and responsibilities of key responder organisations that are central to response and recovery. Many of these organisations are included in Schedule 1 to the Act. Chapter 4 details the care and treatment of those involved in an emergency, providing classifications and explanations of these such as injured, survivor etc.

32. The explanation of the new regional tier of government, its role in response arrangements and details of the role of central government are outlined in chapters 7, 8 and 12 respectively. The description of the role of the media in an emergency has been revised and is contained in chapter 6.

Questions

Q25: Do you have comments on the structure and design of the draft guidance document *Responding to Emergencies*?

Q26: Is there additional guidance or are there additional references that should be included in the draft guidance document *Responding to Emergencies*? For example, are enough practical examples provided?

In addition, the response pro forma asks for your comments on individual chapters (questions 27-40)

Consultation arrangements and next steps

33. This consultation will last for a period of twelve weeks from 9 December 2004 until 3 March 2005. This consultation is being carried out in accordance with the six criteria in the Cabinet Office Code of Practice on Consultation. This Code is available at www.cabinetoffice.gov.uk/regulation/consultation/code.asp

34. To assist those who wish to respond to this consultation, a response pro forma is available. We strongly encourage responders to reply using this format. The pro forma and instructions for completion can be found at <http://www.ukresilience.info/ccact> If you do not have access to the Internet or you experience difficulties with the pro forma, please contact Toby Francis-Bromley on 0207 275 5015.

35. It would be helpful when responding if you state whether you are responding as an individual, replying on behalf of an organisation, or representing the views of a representative organisation. If responding on behalf of a representative organisation, please make it clear who the organisation represents and, where applicable, how the views of the members were assembled.

36. A response can be submitted by letter or, preferably, by e-mail:

Civil Contingencies Act Regulations and
Guidance Consultation,
Second Floor,
10 Great George Street,
London,
SW1P 3AE

ccact@cabinet-office.x.gsi.gov.uk

37. If you have any questions or complaints about the process please contact:

Cabinet Office Consultation Unit,
Kirkland House,
5th Floor,
22 Whitehall,
London,
SW1A 2WH

Next steps

38. The Government will begin the process of reviewing and revising the Regulations and Guidance as soon as the consultation process ends, continuing to work closely with the Devolved Administrations and the representatives of external stakeholders. The Government will seek to agree the final package as quickly as practicable in order to give a clear indication of the likely expectations of local responders at the earliest stage.

39. The Government is currently reviewing the options for the commencement of the duties. The Government believes that a delay is necessary between the final package of Regulations and Guidance being settled and commencement of the duties. A delay is also necessary in order to allow the new investment from Spending Review 2004 – which comes on stream in April 2005 – to make a difference. Provisionally, the Government is considering October 2005 as a suitable point for commencement. However, this will not be confirmed until discussions with all stakeholder representatives are concluded. The Government will also need to consider the need to seek Parliamentary and Devolved Administration approval for certain elements of the package, and external events may have a bearing on the shape of the timetable during 2005.

40. In the interim, the Government encourages local responders to begin thinking about the challenges of implementation, and to undertake planning to manage a staged approach to delivering the duties under the Act. The draft Regulations and Guidance package may of course be subject to change but should give a reasonable indication of the shape of the final requirements. The Civil Contingencies Secretariat and Regional Resilience Teams will work closely with local responders to support this work.



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