

EMERGENCY PLANNING BEST VALUE REVIEW UPDATE - THE CIVIL CONTINGENCIES BILL

1 SUMMARY

- 1.1 This report updates Members on Emergency Planning Best Value Review matters, and specifically focuses on the published Civil Contingencies Bill.

2 INTRODUCTION

- 2.1 The Emergency Planning Best Value Review Action Plan sought to carry forward a number of initiatives to improve this Council's response to a major incident. Since this work started, draft legislation has appeared, and it now seems certain that the Civil Contingencies Bill will be enacted to place a statutory responsibility for emergency planning matters on all local authorities.
- 2.2 With this in mind, it is considered prudent at this stage to advise Members of the content of the Bill, and the possible implications for the Council.
- 2.3 The report outlines the statutory responsibilities coming forward in primary legislation, and refers to the current position regarding the proposed Regulations that will follow the proposed Act.

3 THE CIVIL CONTINGENCIES BILL

- 3.1 The Civil Contingencies Bill is in two parts. Firstly, it sets out a framework for responders to assess risk; subsequently plan for incident management over a wide range of possibilities based on risk assessments and for non-planned for incidents, (to include reducing, controlling or mitigating the incident effects on a community); incident prevention, where and if possible; publishing all or part of assessments made, and the plans that follow, so far as is necessary; maintain arrangements to warn the public; and to deal with business continuity, both from within the Council, and to provide advice to businesses generally. The second part makes arrangements for Emergency Powers at a time of Regional or national crisis, and are not considered further in this report.
- 3.2 The Bill refers to Category 1 and Category 2 responders. All local authorities are in the first category, as are the Blue Light services, the Health Service at large, and the Environment Agency. In brief, Category 2 responders are the plethora of Utility and Transport Companies, and the Health & Safety Executive.
- 3.3 The Bill requires Category 1 Authorities and Agencies to co-operate. This particularly affects the Shires, where all, or near all-purpose authorities are

absent; that is, where the combined statutory functions of both levels of local authority are required to provide a fully supportive mechanism to a community in crisis.

- 3.4 Funding is likely to be streamed to Shire Districts as well as Shire Counties, although this is unlikely to be ring-fenced. Nevertheless, all Councils will be expected to meet the risk-assessed threats to their communities, as well as the unexpected, and to be capable of offering wider area support (as referred to Members previously regarding the Essex Resilience Plan in response to a catastrophic event in the Capital, Min 572/03).
- 3.5. The Bill provides for Regulations to flesh out the framework. It was originally thought that Regulations would be prescriptive in how County Councils were to undertake the emergency planning function on behalf of Districts/Boroughs. Prescription seems less than likely now, although the "indicative" draft Regulations provide for a permutation of arrangements, and it is arguably this, and funding, that will be the primary focus of future contingency planning management.

Options

- 3.6 The options for Shire Districts operating a full emergency planning service in a Shire County, as they are emerging, appear to be as follows:
- Carry out the new duties themselves, relative to their statutory functions
 - Collaborate with other Districts in service delivery
 - Seek an agreement to shift all or part of the responsibility to the County Council for carrying out the new duties on behalf of the District.
- 3.7 There is no "one size fits all" solution, and each option has strengths and weaknesses. For example, a District/Borough may wish to undertake as much of the duties itself, or alternatively buy in, through a Service Level Agreement/Contract, County expertise. A cluster of District/Borough Councils offers a possible permutation, in that those Councils can obtain some economies of scale, but this could lead to greater fragmentation. In any event, Districts will require their own emergency planners to either carry out duties or to "instruct"/contract monitor the County Council. Also, responsibility may pass but accountability will always remain with each Category 1 responder.

Timing

- 3.8 It is possible that the Civil Contingencies Bill will pass onto the Statute Books in September this year, with draft Regulations appearing at much the same time for full consultation. Given the amount of work already underway on these, it may be expected that little or no changes will result.

- 3.9 It is clear that the emerging situation around Emergency Planning will need to be considered within the context of the 2005/2006 budget process as the District Council will need to determine the level of responsibilities it wishes to take on either directly or more indirectly and the resource issues around these.

4 RISK IMPLICATIONS

4.1 Strategic Risk

The District Council will be expected to operate in an environment that takes its own District into account, as well as introducing the capability and capacity to operate in support County-wide.

4.2 Resource Risk

A greater emphasis will be necessary on officer training concurrent with the new duties.

4.3 Operational Risk

The requirement to operate a fully functional call out system, possibly with a duty officer system, appears implicit in the new duties. This has resource implications in terms of officer time as well as sending the appropriate staff on appropriate courses.

4.4 Reputation Risk

The public are likely to place a greater reliance on the District than now, and the legislation will emphasise the District's responsibilities and accountability.

4.5 Information Risk

The Council will be obliged to publish its plans in so far as it is necessary.

4.6 Regulatory Risk

A statutory duty will fall to the Council.

5 ENVIRONMENTAL IMPLICATIONS

- 5.1 Flooding is arguably this District's highest environmental emergency planning issue, and risk assessments will be necessary to evidence the Council's response to that.

6 RESOURCE IMPLICATIONS

- 6.1 Resources cannot be fully determined at this stage, and may depend on the outcome of County-wide discussion. However, it is possible that two members of staff might be necessary to effect the full statutory duties of emergency planning and business continuity.
- 6.2 More vigorous and transparent approach to Risk Assessments and the requirement to include mitigation and prevention are also likely and will involve some resources, and this will need to be determined.
- 6.3 At present, there is £2000 in the Emergency Planning budget to cover the costs of flooding matters.

7 LEGAL IMPLICATIONS

- 7.1 The Bill, once enacted, will pass new statutory duties on to District Councils.

8 PARISH IMPLICATIONS

- 8.1 All Parishes will be affected by any future Emergency Planning management.

10 RECOMMENDATION

- 10.1 It is proposed that the Committee **RESOLVES**

To note this report and formally review the implications for the District Council of the emerging legislation in the Autumn Cycle.

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Background Papers:

Draft Civil Contingencies Bill

Draft Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005

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