
CIVIL CONTINGENCIES BILL

1 SUMMARY

- 1.1 This report advises Members of the possible consequences of the Civil Contingencies Bill, published on 19 June 2003.
- 1.2 A copy of the Bill, with explanatory notes, and the accompanying Consultation Document have been placed in the Members Library.

2 INTRODUCTION

- 2.1 The Civil Contingencies Bill was published on 19 June 2003, after some 18 months of consultation within and across those agencies that constitute the emergency planning community.
- 2.2 The aim of the Bill is to provide new civil contingencies legislation, delivering a single framework for Civil Protection in the United Kingdom. (Members will know that there is no legal requirement to conduct Emergency Planning as such, although a number of separate pieces of legislation demand certain actions and plans for specific circumstances).
- 2.3 The Bill includes duties to carry out the full spectrum of civil protection activities - assessment, prevention and planning, for emergency response and the promotion of business continuity. The Bill also provides for a duty to co-operate. In addition, Part 2 of the Bill provides for a replacement framework for much of the Emergency Powers currently in force.
- 2.4 Agencies are divided into Category 1 (main response) and Category 2 (secondary response and co-operation with Category 1 agencies). District Councils are in Category 1.
- 2.5 The Bill is likely to be in the Queen's Speech in October this year. There is anecdotal evidence that the Bill will be pushed through possibly as early as November this year, but certainly by the Spring of 2004.

3 EXECUTION OF DUTIES

- 3.1 Clause 2 of the Bill provides for a duty on Category 1 agencies to carry out specific activities. These are around the assessment, prevention and planning issues. However, Members may note from the paragraph 10 of Chapter 3 of the Consultation Document that there is a proposal that, for the time being, County Councils will take full responsibility for local authority civil protection planning in their area. The Bill provides for Regulations to be made which could permit or require County Councils to perform the assessing, planning and mitigating duties that would otherwise fall to Districts. Although not expressed, it seems likely that a Regulation will follow the new Act.

- 3.2 Whilst attempting to provide an holistic framework for operations, there is ambiguity in how this is to work. Clarity is required on two counts. Firstly, will a Regulation actually follow the new Act? Secondly, assuming that one does, will the County Council role be prescriptive or discretionary?

4 IMPLICATIONS FOR ESSEX

- 4.1 The current arrangements in Essex mean that the County Council performs an over-arching role in Emergency Planning, coupled with specific statutory obligations it has to meet. The 12 Essex Districts tackle Emergency Planning in almost as many ways, with very few Councils having a fully dedicated Emergency Planning Officer.
- 4.2 The County already meets one of the aims of the Bill, in that it has a “Local Resilience Forum”, to use the generic term in the new documentation, known as the Essex Emergency Services Co-ordinating Group. This Group answers to the Essex Chief Executives’ Association.
- 4.3 Below that, the County Council, the 12 Districts and the 2 Unitaries meet bi-monthly to discuss current issues and training requirements.
- 4.4 These relationships do much to fulfil both the spirit and actions sought in the Bill. However, as stated above, until the ambiguity over which authority has the duties under Clause 2, the way forward for Districts is unclear.
- 4.5 A pan Essex Officer meeting took place on 8 July. The aim of this meeting was to investigate whether at officer level there was general agreement to the points that should be made to Government. A copy of the responses developed at that meeting is Appended.
- 4.6 Funding is not adequately addressed in the Bill.

5 RESOURCE IMPLICATIONS

- 5.1 Essex County Council receives a grant for Emergency Planning purposes. This grant is topped up by the County Council.
- 5.2 The Government has made it clear that there will be no additional funding for Emergency Planning. This may go some way to explain why, in many respects, there could be little movement in the current framework, formalising as it does that which already exists.
- 5.3 However, were the current arrangements to alter, or if in order to meet its perception of fulfilling the new statutory duty, County Councils sought to prescribe resources not currently held by Districts, it is possible for costs to add.

6 RECOMMENDATION

6.1 It is proposed that the Council **RESOLVES**

- (1) That the District Council welcomes the spirit of the Civil Contingency Bill, but requires clarification of the execution of the proposed statutory duties, given the ambiguity raised between the Bill and the supporting documentation.
- (2) That this view be expressed formally to Central Government within the consultation framework.
- (3) That a copy of the Council's response be sent to both the local Government Association and the two lead MP's.

Paul Warren

Chief Executive

Background Papers:

None

For further information please contact Charles Thomas

Tel:- 01702 318132

E-Mail:- charles.thomas@rochford.gov.uk