



DERBY CITY COUNCIL

SCRUTINY MANAGEMENT COMMISSION 1 November 2005

Report of the Director of Corporate Services

Scoping Report on proposed Workplan topic review of Emergency Planning

RECOMMENDATION

1. That the Commission adopt the proposals for a review of Emergency Planning that are set out in the scoping report.

SUPPORTING INFORMATION

2.1 At its meeting on 13 September 2005 the Scrutiny Management Commission identified seven possible topics for review during 2005/06. These were:

- Electoral Registration issues including rolling registration, carry forward policy and participation
- Emergency Planning,
- Health and Safety – the relationship between the corporate centre and departments
- Use of PFIs in general
- The Council's Accommodation Strategy
- Property Management
- A review of Council Tax expenditure/income by ward

2.2 After the meeting, the members of the Scrutiny Management Commission were asked to indicate which of the topics they thought the Commission should consider as part of its 2005/06 workplan. Responses were received from seven members of the Commission and the topic selected by most of those members (five out of the seven who responded) was Emergency Planning. A report setting out the possible scope of a review of Emergency Planning has consequently been prepared by the Co-ordination Officer. The report is contained in Appendix 2 of this report.

2.3 The Commission is recommended to adopt the proposals for the review of Emergency Planning that are set out in the scoping report.

For more information contact:

Background papers:

List of appendices:

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Appendix 1 – Implications

Appendix 2 - Scoping report on a proposed review of Derby City Council's Emergency Planning arrangements

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| IMPLICATIONS |
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Financial

1. The costs of the review can be contained within the Commission's research budget

Legal

2. There are no legal implications arising from this report.

Personnel

3. There are no personnel implications arising from this report.

Equalities impact

4. Any improvement in the council's Emergency Planning procedures will be of benefit to all Derby people.

Corporate Objectives, Values and Priorities

5. This report has the potential to link to the following of the Council's Corporate Objectives, Values and Priorities:

Corporate Objectives, Values and Priorities

Objectives:

- Healthy safe and independent communities

Values

- Be open, transparent and honest in everything we do
- Develop effective partnerships with all stakeholders, especially Derby's residents
- Adopt new ways of working wherever these will help us do things better and provide value for money, customer focussed services

Priorities

- Improving customer service in the city centre and locally
- Minimise increases in Council Tax and increase value for money services

DRAFT

Scrutiny Management Commission

Scoping Report on a proposed review of Derby City Council's Emergency Planning arrangements

1. Introduction

At their meeting on 13 September 2005, Scrutiny Management Commission (SMC) members put forward a number of topics as possible options for examination by the Commission as part of its 2005/06 workplan. Following the Commission meeting, a majority of members indicated their preference for a workplan topic review of the Council's Emergency Planning arrangements. This report sets out the possible scope of such a review.

If a review of the Council's Emergency Planning procedures were commenced in November 2005 it could be used to assess the way in which the Council is addressing the requirements of the new UK emergency planning legislation, the Civil Contingencies Act 2004. Part 1 of this Act will come into effect on 14 November 2005.

2. Background to the Review

Prior to 2004 UK civil protection legislation comprised:

- The Emergency Powers Act 1920 – which defined an emergency in terms of the interference with specified services and resources that would deprive a community of the essentials of life, and:
- The Civil Defence Act 1948 - which was originally intended to enable local authorities to respond in the event of an attack by a hostile power.

By the beginning of the Millennium these two pieces of legislation were both out of date in terms of their content and provision, and following the fuel crisis and the severe flooding in the autumn and winter of 2000, and the Foot and Mouth outbreak in 2001, the government took the decision to review the UK's emergency planning arrangements.

The resulting new legislation, the Civil Contingencies Act 2004, received Royal Assent on 18 November 2004. The new Act and accompanying regulations and non-legislative measures will deliver a single framework for civil protection in the UK.

The Act is in two parts:

- Part 1 focuses on local arrangements for civil protection and establishes a statutory framework of roles and responsibilities for local responders.

- Part 2 focuses on emergency powers and establishes a modern framework for the use of special legislative measures that might be necessary to deal with the effects of the most serious emergencies.

The Act defines an emergency as:

- An event or situation that threatens serious damage to human welfare
- An event or situation that threatens serious damage to the environment
- War or terrorism which threatens serious damage to security

2.1 Part 1 of the Act

Part 1 of the Act sets out the range of possible incidents for which local responders must prepare when fulfilling their civil protection duties.

The Act divides local responders into two categories depending on the extent of their involvement in civil protection work. Category 1 responders, which include local authorities, are subject to the full set of civil protection duties and will be required to:

- Assess the risk of emergencies occurring and use this to inform contingency 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-operation
- Co-operate with other local responders to enhance co-ordination and efficiency
- Provide advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only)

The chief requirement of the Act with regard to emergency planning is for each Category 1 responder body to maintain plans which will ensure that, if an emergency occurs or is likely to occur, it can deliver its functions so far as necessary or desirable for the purpose of preventing the emergency, reducing, controlling or mitigating its effects, or taking other action in connection with it.¹

2.2 Part 2 of the Act

The Civil Contingencies Act 2004 repeals the Emergency Powers Act 1920 and the Emergency Powers (Northern Ireland) Act 1926.

Local authorities have no responsibilities for implementing Part 2 of the Act.

The new legislation allows Parliament to make temporary special legislation for dealing with a serious emergency that fits within the definitions and the emergency powers can be used on a regional and/or devolved administration basis.

2.3 Commencement timetable for the Civil Contingencies Act 2004

Part 2 of the Act was brought into force on 10 December 2004.

The bulk of the duties in Part 1 of the Act will come into force on 14 November 2005, with the duty on local authorities to give business continuity advice coming into force on 15 May 2006.

3. Objectives of the proposed Review

It is suggested that if the Commission undertakes this review its objectives should be:

1. To examine the way in which the City Council, as a Category 1 responder, will discharge its civil protection duties under Part 1 of the Civil Contingencies Act 2004.
2. To identify and comment upon any apparent deficiencies in the way in which the City Council will discharge its civil protection duties under Part 1 of the Civil Contingencies Act 2004.
3. If appropriate to make recommendations to Council Cabinet on how the Council might improve the ways in which it discharges its civil protection duties.

4. Stakeholders in the Review

It is considered that the relevant stakeholders in this review may include:

- The relevant Council Officers
- The relevant Council Cabinet member
- Representatives of other Derby local responders – for example:
 - The Police, Emergency Services and health bodies
 - The Environment Agency
 - Representatives of local businesses
 - Representatives of voluntary groups and the public
 - Statutory undertakers

5. Suggested Methodology for the Review

It is suggested that the Scrutiny Management Commission establishes a small working group to conduct the evidence gathering phase of the review.

After completion of the evidence gathering the whole Commission could be involved in assessing the evidence that has been acquired and in defining any necessary recommendations to Council Cabinet.

It is not at this stage thought that the Commission will need to make any site visits.

6. Terms of Reference of the proposed Review

The Terms of Reference of the proposed review are set out in the following table.

| | Requirement | Action |
|---|--|---|
| 1 | The Commission to become familiar with the requirements of Part 1 of the Civil Contingencies Act 2004 and with the actions proposed by the Council to discharge its duties under Part 1 of that Act. | Evidence gathering meetings with the relevant Council Officers and Cabinet member |
| 2 | The Commission to appraise the likely effectiveness of the actions proposed by the Council to discharge its duties under Part 1 of that Act. | Evidence gathering meetings with other Derby local responders |
| 3 | Development of appropriate recommendations to Council Cabinet | Consideration of the evidence from (1) and (2) above |

7. Timetable for the proposed Review

At this point in time it is not possible to make an accurate estimate of the number of evidence gathering meetings that will be needed for the review. It is however thought that this will not exceed 10 meetings with a maximum duration of two hours each.

Based on this estimate it is suggested that the aim should be for the Commission to complete its review in time for a report to be made to the Council Cabinet meeting on 21 February 2006.

DRR 6 October 2005.