

MEETING: FIRE AUTHORITY 18TH JULY 2011

SUBJECT: AUTHORITY ARRANGEMENTS FOR HANDLING MATTERS RELATING TO CIVIL CONTINGENCIES AND EMERGENCY PLANNING

JOINT REPORT OF THE CHIEF FIRE OFFICER AND THE CLERK TO THE AUTHORITY

1. INTRODUCTION

1.1 The purpose of this report is to propose amendments to Standing Orders and Committee arrangements for the handling of civil contingencies and emergency planning matters by Tyne and Wear Fire and Rescue Authority (TWFR), in the light of the recent review of Council emergency planning functions.

2. BACKGROUND

2.1 Members will be aware that during 2009 and 2010, the five Councils in Tyne and Wear undertook a review of Emergency Planning provision as part of a wider review of shared functions in Tyne and Wear. This service is currently delivered by TWFR on a commissioned basis, through the Emergency Planning Unit (EPU) which was established in 1986 following the demise of the County Council, and which continued at the behest of the five Councils after the introduction of the Civil Contingencies Act (CCA) in 2004. This legislation also introduced Local Resilience Forums (LRFs) to facilitate inter agency collaboration.

2.2 The role of the EPU has been entirely concerned with delivering Council emergency planning functions, with funding provided by Councils other than the small amount of separate resource (funded by income from hazard sites) covering planning for the control of major accident hazards (COMAH) and Pipeline Safety (which is a statutory function of TWFR on behalf of Councils).

2.3 Following the review, in December 2010 the Councils decided that the emergency planning function of each Council should be brought inhouse, with collaboration delivered through the LRF. This decision means that Councils no longer have a requirement for the Emergency Planning Unit, and arrangements are currently in hand for the transfer of functions and staff into the relevant Council teams.

2.4 Members of the Civil Contingencies Committee have been consulted on these proposals and have also been updated on progress with implementation through reports on 31st January and 4th April 2011.

3. IMPACT ON TWFR GOVERNANCE: POLITICAL LEADERSHIP

3.1 The EPU's role has been to deliver a number of agreed Council functions in relation to emergency planning, in the same way that TWFRS delivers such statutory functions on behalf of the Authority.

- 3.2 The long relationship between Councils and TWFRAs through the EPU means that the Authority's governance arrangements have taken account of the requirements of both. It is therefore felt to be timely to review the nature of TWFRAs' arrangements for political leadership of matters relating to emergency planning and civil contingencies.
- 3.3 It should be noted that Councils have reviewed their governance arrangements in the light of this decision, and consider that robust arrangements are in place for direction, decision making, accountability and scrutiny through management teams, Executive and Scrutiny functions, and Local Strategic Partnerships. It is proposed to supplement this through an annual report to Chief Executives, Council leaders and relevant portfolio holders by the Chair of the LRF (Minute 31, Civil Contingencies Committee 4th April 2011 refers).
- 3.4 Under the Authority's Terms of Reference, governance of these matters is covered by both the full Authority and the Civil Contingencies Committee. Full Authority has the duty under section 2:18:

To exercise the functions of the Authority under the Civil Contingencies Act 2004 (and such of the functions of the Tyne and Wear District Councils under the same Act as might be agreed) and the following whilst they continue to be in force:

- a) Civil Defence Act 1948*
- b) Civil Defence (General local Authority Functions) Regulations 1983*
- c) Control of Major Hazards Regulations 1999*
- d) Pipeline Safety Regulations 1999*
- e) Radiation (Emergency preparedness and Public Information) Regulations 2001 (subject to those matters delegated to the Civil Contingencies Committee and officers of the Authority)*
- f) Public Information for radiation Emergencies Regulations 1995 (Reg 3)*

- 3.5 The role of the Civil Contingencies Committee under section 7 is:

- a) To discharge, in accordance with the policies laid down by the Authority, the Emergency Planning functions of the Authority as required by legislation*
- b) To ensure evaluation, validation, review and revision of all plans in respect of emergency planning functions, and to report thereon, as necessary to the Authority*
- c) To initiate and direct forward planning, pilot studies, working parties, seminars and similar courses at national, regional or local level in respect of emergency planning matters*
- d) To ensure liaison with Government departments, district councils and other bodies concerned with emergency measures*
- e) To deal with the equipping and maintenance of emergency centres, and the establishment and maintenance of emergency communication*

f) *To provide liaison and communications in the event of a major rabies outbreak*

g) *To submit Minutes and Reports of the meetings to Authority*

- 3.6 In practice, the work of this Committee has focused on the broad spectrum of planning, exercising and preparedness, beyond the roles and duties of TWFRS to the collaborative activities fostered by both the FRS and the Councils through the EPU (and more recently the LRF).
- 3.7 Clearly, TWFRS will continue to be engaged in, and sometimes to drive these collaborative activities; however, the Civil Contingencies Committee has also had a role in managing the performance of the EPU which will no longer be required.
- 3.8 Members may therefore wish to reflect on the appropriateness of a specific Committee dedicated to these matters in the future. It is suggested that the Civil Contingencies Committee be dissolved, with those duties currently delegated to that Committee retained by the Full Authority. This would have the benefit of reducing workloads whilst maintaining a strategic focus on civil contingencies and emergency planning.
- 3.9 This would in practice mean a continued role in ensuring effective liaison with Councils and other partners (Civil Contingencies Committee role 7d), which provides a level of opportunity for scrutiny of TWFRS involvement in collaborative arrangements in place through the LRF. Although FRAs do not have a statutory role of scrutinising other public bodies, it is legitimate for them to satisfy themselves that the collaborative arrangements in place assist TWFRS in carrying out the Authority's statutory functions under Civil Contingencies legislation.

4. FUTURE RELATIONSHIP WITH COUNCILS

- 4.1 As they work towards bringing emergency planning and civil contingencies activity inhouse, Councils have prepared a document setting out key components of local authority delivery, which was appended to the Civil Contingencies Committee update on 4th April 2011. Although this is primarily concerned with approaches within each Council, a section on collaboration sets out aspirations for improving collaborative activity under the new model.
- 4.2 This notes that Council resilience teams will facilitate collaboration at the following levels:
- At a local level coordination of activity will be through existing local multi agency resilience groups, most of which sit within the framework of Local Strategic Partnerships
 - Activity between local authorities will continue through an inter Council resilience group including Northumberland
 - Councils will also ensure collaboration at an operational level through LRF theme groups
 - At tactical and strategic levels, Councils will continue to be represented on the multi agency Strategic Board and Business Management groups of the LRF
- 4.3 As Category 1 responders (along with other emergency services, Councils and others), TWFRS staff are fully engaged in the LRF and locality based resilience groups, and will continue to promote collaboration, mutual understanding of roles and the development of strong working relationships through these groups.

- 4.4 Because implementation is still ongoing, there are some areas to be developed including a proposal that each Council will take a lead in developing a specific area of expertise (see Minute 31, Civil Contingencies Committee 4th April 2011).

5. STANDING ORDERS

- 5.1 The role of the Chief Emergency Planning Officer (CEPO) is enshrined in Standing Orders alongside that of the Chief Fire Officer. In light of the cessation of the Emergency Planning Unit, references to the role of the CEPO and references to the EPU will need to be removed from:
- Financial regulations (references throughout)
 - Delegation Scheme section 4 (duties relating to COMAH sites and pipeline regulations would need to transfer to the Chief Fire Officer)
 - Delegation scheme sections 2 and 5 setting out the relationship of the Finance Officer and Personnel Advisor to the CEPO
 - Delegation scheme section 6 (applicability of general provisions to the CEPO)
 - Terms of Reference references throughout
 - Code of Conduct Part B section 5.3 (purchasing and contracting decisions); 7.12 (use of equipment and materials); 8 (consultancy work); 9.3 (fraud and corruption), 10 (reporting allegations); 11 (investigating allegations); 12 (gifts and interests); 13 (whistle blowing); and 16 (monitoring and review) and related appendices.

6. FINANCIAL IMPLICATIONS

- 6.1 Should Members decide to dissolve the Civil Contingencies Committee, indirect financial efficiencies would be realised through reduced administration costs.

7. RISK MANAGEMENT IMPLICATIONS

- 7.1 Although there are no direct risks in relation to this paper, Members will wish to satisfy themselves that future governance arrangements allow the proper level of attention to be given to emergency planning and civil contingencies matters.

8. CONCLUSION AND RECOMMENDATIONS

- 8.1 This paper does not focus upon the decision of Councils to bring emergency planning and civil contingencies in house; the Authority has engaged with the review, and commented on decisions relating to it, through the Civil Contingencies Committee.
- 8.2 Given that this decision is now being implemented, the Authority is requested to decide how it wishes to govern matters relating to this agenda in the future. This includes arrangements to ensure TWFRAs deliver its statutory functions under the Civil Contingencies Act and related legislation as set out in 3.4; and also arrangements whereby the Fire Authority can satisfy itself as to the efficacy of the collaborative resilience arrangements within which TWFRS works.

8.3 Authority is therefore recommended to:

- a) Approve the dissolution of the Civil Contingencies Committee as set out in section 3.8 and the retention of those functions delegated to that Committee by the Full Authority;
- b) Authorise the Chief Fire Officer and Clerk to the Authority to implement these changes and revise Terms of Reference accordingly;
- c) Authorise the Chief Fire Officer and Clerk to the Authority to amend Standing Orders to take account of the removal of the role of Chief Emergency Planning Officer, as set out in 5.1

