

PERTH AND KINROSS COUNCIL

Strategic Policy and Resources Committee

18 September 2013

CORPORATE CIVIL CONTINGENCIES MANAGEMENT POLICY

Report by Executive Director (Environment)

PURPOSE OF REPORT

This report provides the Strategic Policy and Resources Committee with an overview of the responsibilities of the Council as required by the Civil Contingencies Act 2004, The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 and introduces a Corporate Civil Contingencies Management Policy for approval that details corporate and specific responsibilities to key post holders to enable the Council to carry out its statutory duties in this regard.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Civil Contingencies Act 2004, The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (the Act) governs emergency planning and emergency powers legislation, conferring significant legal duties to local authorities. Part 1 of the Act, along with supporting regulations and statutory guidance 'Preparing Scotland', establish a clear set of roles and responsibilities for those involved in emergency preparation and response at the local level.
- 1.2 The Act designates local authorities as Category 1 Responders and confers legal duties on them. Category 1 Responders are those organisations at the core of the response to most emergencies (e.g. emergency services, local authorities, NHS). Statutory duties can be summarised as:
 - Assess the risk of an emergency occurring and use this to inform contingency planning.
 - Share information with other local responders to enhance co-ordination.
 - Co-operate with other local responders to enhance co-ordination and efficiency.
 - Maintain plans to ensure that in the event of an emergency, or the likelihood of an emergency, Perth & Kinross Council is able to take steps to prevent the emergency, reduce, control or mitigate its effects, or take other action in connection with it.
 - Maintain arrangements to warn the public and to provide information if an emergency is likely to occur or has occurred.

- Maintain plans to ensure the continuity of Perth & Kinross Council's critical services were an emergency to occur that impacted on service delivery.
 - Provide advice and assistance to businesses and voluntary organisations about business continuity management.
- 1.3 As with the rest of Scotland, Perth & Kinross Council's emergency preparation, response and recovery planning is based on the doctrine of Integrated Emergency Management (IEM). The aim of IEM is to develop flexible and adaptable arrangements for dealing with emergencies, whether foreseen or unforeseen. It is based on a multi-service/multi-agency approach and the effective co-ordination of those services and agencies. It involves Category 1 and Category 2 responders (as defined in the Act) and also the voluntary sector, commerce and a wide range of communities.
- 1.4 IEM should be integrated both within and amongst organisations. It should be an integral part of how Perth & Kinross Council operates as opposed to being a discrete function. Whilst an individual commitment to this process is important, experience shows that working together greatly increases effectiveness.
- 1.5 There are a number of principles that underpin IEM and can apply, to a greater or lesser degree to all aspects of emergency preparation, response and recovery. Whilst all of these principles are important, direction and subsidiarity are highlighted here to reinforce the commitment required by the Council as a Category 1 Responder:
- Direction - There needs to be clear ownership of, and commitment to, resilience and contingency planning from the senior management of all organisations that have a part to play. Establishing civil contingencies management arrangements should be seen as an integral part of corporate governance and business planning at all levels.
 - Subsidiarity - Local responders' IEM arrangements are the foundation of dealing with emergencies with control of operations being exercised at the lowest practical level. The co-ordination and support of local activity should be at the highest level required and both principles should be mutually reinforcing.
- 1.6 More detailed guidance relating to statutory duties and the principles of IEM can be found in 'Preparing Scotland'. Preparing Scotland is produced by the Scottish Government Resilience Division in partnership with resilience professionals from all Category 1 and 2 responder agencies/organisations. It is the core resilience guidance, setting out how we "do" resilience in Scotland. It establishes good practice based on professional expertise, legislation and lessons learned from planning for and dealing with major emergencies at all levels. It reflects a process which prepares for emergencies from the identification of a risk to the completion of the recovery process.

2. PROPOSALS

- 2.1 It is proposed that the Council introduces and adopts a Civil Contingencies Management Policy that clearly sets out corporate and key post holders responsibilities in relation to statutory duties under the Civil Contingencies Act (**Appendix 1**).
- 2.2 This policy and the planning arrangements that are addressed as a result link with Scottish Government National Outcomes for Community Safety where:
- We live our lives safe from crime, disorder and danger; and
 - We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- 2.3 The Tayside Strategic Co-ordinating Group comprises all Category 1 and 2 Responder Agencies and voluntary agencies covering the Perth & Kinross, Angus and Dundee local authority areas. It is the formal partnership, as required under the Civil Contingencies Act, which has been established as an aid to planning for the effective management of multi-agency response to and recovery from major incidents and emergencies. This proposal formally links Perth & Kinross Council policy with multi agency partnership arrangements.
NOTE: The Tayside Strategic Co-ordinating Group will become the Tayside Local Resilience Partnership within the North of Scotland Regional Resilience Partnership so that partnerships are aligned with National Police and Fire and Rescue Service Command Areas. This is effective from 1 October 2013 and is stated as such in the draft policy submitted for approval.
- 2.4 The proposal brings together Council services under a Civil Contingencies Steering Group, whose membership will ensure effective liaison between services, as an aid to planning for the effective management of response to and recovery from emergencies whether affecting communities or the delivery of critical council services.
- 2.5 The proposal identifies key post holders and allocates them specific duties designed to ensure that sufficient resources are allocated to ensure sustainable and successful emergency planning, response and recovery.
- 2.6 The proposal addresses Action Point 1 as agreed by the Management Action in the Business Continuity audit report published in May 2013.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The submitted Corporate Civil Contingencies Management Policy is the main document that evidences the Council's commitment to discharging its statutory duties conferred under the Civil Contingencies Act.
- 3.2 The management statement within the policy emphasises the Council's commitment to these duties and reinforces the importance of following the principles of integrated management and working with partner agencies to

respond to emergencies whilst at the same time considering impacts on critical services.

- 3.3 The policy also identifies key post holders and allocates them specific duties to ensure that work is developed and maintained within services, across services and across partner organisations to strengthen resilience within the Council and within communities throughout Perth and Kinross.

The Committee is asked to approve:

1. The Civil Contingencies Management Policy as submitted.

Author(s)

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Approved

Name	Designation	Date
Jim Valentine	Executive Director (Environment)	5/9/2013

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross:-

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for the future

- 1.2 It is considered that the proposal contained within this report contributes to creating a safe and sustainable place for the future.

Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 outlines the same five Objectives as those detailed above in the Community Plan. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the proposals contained in the report contribute to creating a safe and sustainable place for the future.

2. Resource Implications

Financial

- 2.1 There are no financial implications arising from the contents of this report.

Workforce

- 2.2 There are no direct workforce implications arising from the proposals contained within this report.

Asset Management (land, property, IT)

- 2.3 There are no land and property, or information technology implications arising from the contents of this report.

3. Assessments

Equality Impact Assessment

- 3.1 An Equality Impact Assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 3.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- i) Assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.3 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The proposal contained within the report is assessed to have no sustainability related impacts.

Legal and Governance

- 3.6 Emergency Planning, Response and Recovery are statutory obligations and this report strengthens the Council's duty in relation to this.

Risk

- 3.7 There are no specific risks associated with the proposals outlined within the report.

4. Consultation

Internal

- 4.1 The Chief Executive, The Executive Officer Team, The Corporate Management Group, The Head of Legal Services and the Corporate Business Continuity Strategy Group.

External

- 4.2 No external agencies have been consulted although advice was requested and received from neighbouring local authorities within the Local Resilience Partnership.

5. Communication

- 5.1 If approval is given for the introduction of a Corporate Civil Contingencies Management Policy, we will ensure it is professionally supported and widely adopted by all services.

2. BACKGROUND PAPERS

The Civil Contingencies Act 2004, The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (the Act) and supporting statutory guidance 'Preparing Scotland' were used in the preparation of this report.



CIVIL CONTINGENCIES MANAGEMENT POLICY

TABLE OF CONTENTS

1. **Aims**.....2

2. **Vision**.....2

3. **Summary**2

4. **Introduction**2

5. **Management Statement**.....3

6. **Strategic Management**.....4

7. **Tactical Management**5

8 **Civil Contingencies Steering Group**6

Prepared by: The Health, Safety & Wellbeing Manager

Service Name: The Environment Service (TES)

1. Aims

1.1 This policy aims to:

- Expand and strengthen Perth & Kinross Council's ability to respond to and recover from emergencies in accordance with the duties under the Civil Contingencies Act 2004, The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 and associated guidance.
- Increase the resilience of Perth & Kinross Council services by embedding business continuity management within the culture of the council in accordance with the duties under the Civil Contingencies Act 2004, The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 and associated guidance.

2. Vision

- 2.1 Perth & Kinross Council supports the Perth & Kinross strategic outcome '**our communities will be safe and feel safe**' by ensuring a professional approach to civil contingencies management leading to effective response to, and recovery from, emergencies whilst continuing to deliver critical services.

3. Summary

- 3.1 The Civil Contingencies Act 2004, The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (the Act) governs emergency planning and emergency powers legislation, conferring significant legal duties to local authorities. Part 1 of the Act along with supporting regulations and statutory guidance 'Preparing Scotland' establish a clear set of roles and responsibilities for those involved in emergency preparation and response at the local level.
- 3.2 This policy sets out the framework by which Perth & Kinross Council will meet these duties as well as any other issues identified by way of risk assessments and identified capabilities.
- 3.3 Perth & Kinross Council is committed to ensuring that sufficient officer time and resources are made available to meet its civil contingencies duties.

4. Introduction

- 4.1 The Act designates local authorities as Category 1 Responders and confers legal duties on them. Category 1 Responders are those organisations at the core of the response to most emergencies (e.g. emergency services, local authorities, NHS). Statutory duties can be summarised as:
- Assess the risk of an emergency occurring and use this to inform contingency planning.
 - Share information with other local responders to enhance co-ordination.
 - Co-operate with other local responders to enhance co-ordination and efficiency.

- Maintain plans to ensure that in the event of an emergency, or the likelihood of an emergency, Perth & Kinross Council is able to take steps to prevent the emergency, reduce, control or mitigate its effects, or take other action in connection with it.
 - Maintain arrangements to warn the public and to provide information if an emergency is likely to occur or has occurred.
 - Maintain plans to ensure the continuity of Perth & Kinross Council's critical services were an emergency to occur that impacted on service delivery.
 - Provide advice and assistance to businesses and voluntary organisations about business continuity management.
- 4.2 Perth & Kinross Council will discharge these duties through a multi-agency and cross-service partnership working approach as detailed in this policy.
- 4.3 Perth & Kinross Council also has a legal responsibility to maintain off-site emergency plans for sites covered by COMAH (Control of Major Accidents Hazard) Regulations and under the Pipeline Safety Regulations (PSR), prepare an emergency plan for each Major Accident Hazard Pipeline that passes through the Perth & Kinross area.
- 4.4 Perth & Kinross Council also works closely with partner agencies and the Scottish Government to deliver national outcomes covering a wide range of issues that might affect the resilience of the country.
- 4.5 It is important that Perth & Kinross Council has plans for dealing with emergencies that not only have an impact on people, infrastructure, the environment and the economy but are flexible enough to manage any eventuality that may befall the Council, including ensuring the resilience of the Council's critical services through effective business continuity planning.

5. Management Statement

- 5.1 Perth & Kinross Council acknowledges its status as a Category 1 Responder and the accompanying duties under the Act. Perth & Kinross Council also acknowledges that the duties fall to the Council as a whole and is committed to giving them the profile, officer time and resources needed to ensure their successful and continued delivery.
- 5.2 Perth & Kinross Council's emergency preparation, response and recovery planning is based on the principles of Integrated Emergency Management (IEM) where the focus is on the effects of events rather than their causes and is undertaken by all Council employees as an extension of normal day to day activities. The underlying aim of IEM is to develop flexible and adaptable arrangements that will enable effective joint response to any emergency, whether foreseen or unforeseen.
- 5.3 Perth & Kinross Council will work in partnership with the emergency services, neighbouring local authorities and other agencies through the North of Scotland Regional Resilience Partnership (RRP) and the Tayside Local Resilience Partnership (LRP) and its Portfolio Groups as prescribed in the Act, Regulations, Guidance and Tayside LRP Strategic Plan.

- 5.4 Perth & Kinross Council will build and maintain relationships with the local business community and voluntary agencies in order to provide advice and assistance with business continuity management.
- 5.5 Perth & Kinross Council is committed to building its own resilience as an organisation by adopting the process of business resilience management and will consider how the decisions it makes impact on its own resilience and the resilience of the wider community.

6. Strategic Management

Executive Director – The Environment Services (TES)

- 6.1 The Chief Executive has nominated the Executive Director (Environment) as the civil contingencies strategic lead for Perth & Kinross Council. He will represent Perth & Kinross Council on the North of Scotland RRP and is responsible for the implementation of this policy throughout the Council.
- 6.2 The Executive Director (Environment) is also responsible for Perth & Kinross Council's implementation of the Tayside LRP Strategic Plan. Each strategic lead identified in the plan has accepted a portfolio of business and assumed responsibility to follow the remit agreed and lead work in this area reporting progress or exceptions to LRP colleagues at routine meetings. All partner organisations are expected to provide resources to support development in all portfolio areas. Perth & Kinross Council is the lead organisation for the Community Engagement Portfolio.

Executive Directors

- 6.3 A direct consequence of IEM is that Executive Directors are responsible to the Chief Executive for their service's preparation, planning, response and recovery from an emergency in the same way that they are responsible for the day to day activities of their service.
- 6.4 Executive Directors have overall responsibility for business continuity management within their service and will ensure that it is embedded into the culture of the council through service plans.
- 6.5 Executive Directors will identify a Head of Service to act as civil contingency lead for their service. Civil contingencies leads are responsible for working with the Health, Safety and Wellbeing Manager and Service Managers to drive the civil contingency agendas in their respective services. These leads will ensure that all key personnel are aware of emergency and business resilience management policy, procedures and plans as well as their individual responsibilities with regards to these plans.
- 6.6 Executive Directors will continue to ensure that personnel are trained to carry out their role by supporting internal training initiatives, the Tayside LRP Training and Exercising Programme and any other training opportunities that present themselves.
- 6.7 Executive Directors will ensure that civil contingencies management issues are given appropriate consideration in Council strategic planning and decision making, in particular through Service Risk Profiles, in accordance with the Council's Risk Management Framework.

- 6.8 Executive Directors will check to ensure (as far as is reasonably practicable), that contracting partners, independent service providers and key suppliers have effective business continuity management arrangements in place before awarding contracts or becoming reliant on services.

Heads of Service

- 6.9 Heads of Services are responsible for ensuring that sufficient resources are available to support the Health, Safety and Wellbeing Manager to carry out his duties as detailed in this policy.
- 6.10 Heads of Services are also responsible for ensuring that specific plans, as identified in the Perth & Kinross Council Generic Emergency Plan and Business Continuity Plans covering identified critical services are developed and maintained.

7. Tactical Management

Health, Safety and Wellbeing Manager

- 7.1 The Health, Safety and Wellbeing Manager is responsible for developing and maintaining the Council's Civil Contingencies Strategy. This includes:
- Developing and maintaining a Council Civil Contingencies Management Policy.
 - Developing and maintaining a Corporate Generic Emergency Response Plan and a Corporate High Level Business Continuity Plan.
 - Facilitating the development and maintenance of specific contingency plans as identified and required by the Council Generic Emergency Plan and the Tayside Local Resilience Partnership Strategic Plan.
 - Ensuring that arrangements are in place for a Council Emergency Centre from which the local authority and supporting agencies response to and recovery from a disruptive challenge can be co-ordinated and to act as advisor to the Chief Executive and the officer designated as Emergency Centre Co-ordinator.
 - Maintaining a robust 24/7 call out mechanism so that an immediate response to an emergency can be arranged at any time.
 - Supporting the development and maintenance of business resilience recovery plans for all council services, but in particular identified critical services.
 - Engaging with the multi-agency Local Resilience Partnership including co-ordinating activities across all portfolios of business and managing Council staff involvement within multi-agency functional teams.
 - Co-ordinating Council staff involvement within multi-agency and single-agency resilience training and exercising activities.
 - Acting as a focus to facilitate the sharing of information between partners and disseminate and share information within the Council.
 - Liaising with the multi-agency North of Scotland Regional Resilience Partnership and Tayside Local Resilience Partnership to share good practice and work with

partners to provide advice and assistance to businesses and voluntary organisations about business continuity management.

8 Civil Contingencies Steering Group

8.1 The Executive Director (Environment) has nominated the Head of Performance and Resources (TES), supported by the Health, Safety and Wellbeing Manager to lead a cross-service Civil Contingencies Steering Group.

8.2 Group Purpose

Establish effective liaison between services as an aid to planning for the effective management of response to and recovery from major incidents affecting communities and/or council service delivery.

8.3 Objectives

- Provide a forum within which Council services can adopt a co-ordinated approach to the development, maintenance and review of civil contingencies management policy and generic and specific emergency and business resilience plans.
- Ensure that service managers fully understand their roles and responsibilities in relation to civil contingencies matters.
- Provide advice and assistance to Councillors, Chief Officers and Service Managers on civil contingencies related issues.
- Receive relevant reports in relation to matters arising from internal/external audits and incident/exercise debriefs and arrange for corrective action/lessons learned to be incorporated when reviewing plans.
- Consider advice from Tayside Local Resilience Partnership Portfolio Groups and advice published in all available guidance documents.

8.4 Membership

TES – Head of Performance and Resources (Chair)
TES – Health, Safety and Wellbeing Manager (Depute Chair)
ECS – Head of Service
HCC – Head of Service
CES – Corporate HR Manager
CES – Corporate Communications Manager
ECS – Partnership and Improvement Manager (Risk Management)
ECS – Corporate IT Manager
TES – Regulatory Services Manager
TES – Building Standards Manager
TES – Roads Manager
TES – Principal Officer, Property Division
TES/Tayside Contracts – Roads Maintenance Partnership
Tayside Contracts – Tay Cuisine Manager

Service Managers and other Council Officers will form short term working groups from time to time to develop specific plans.