

**Portfolio Holder for Community, Safety and Wellbeing Decision- 19
September 2024**

Emergency Planning – Proposal 2025-26

Purpose	For Decision
Classification	Public
Executive Summary	This report provides a summary of the options available to maintain the Council’s legal duties following an end of the Emergency Planning service provided to NFDC by Hampshire County Council.
Recommendation	That the decision is taken to commission Southampton City Council to deliver a range of Emergency planning functions on behalf of NFDC.
Reasons for recommendation(s)	<p>As a Category 1 responder under the Civil Contingencies Act 2004, NFDC has a statutory duty to respond effectively to emergencies.</p> <p>To prepare and be effective in response to an emergency NFDC must have suitable and robust response plans in place, well-trained and informed staff, available resources at all times to respond to emergencies and business continuity plans in case of impacts to Council services.</p> <p>This response cannot be provided without securing external services or adding additional internal resources to manage this. It is more cost effective to join an established service, with the service provided by SCC offering suitable provision and capacity to support the Council in meeting its legal requirements.</p>
Ward(s)	All
Portfolio Holder(s)	Cllr Dan Poole – Community, Safety and Wellbeing
Strategic Director(s)	Richard Knott – Strategic Director of Housing & Communities
Officer Contact	<p>Joanne McClay</p> <p>Service Manager – Environmental and Regulation</p> <p>023 8028 5325</p>

Introduction

1. The Civil Contingencies Act 2004 establishes the roles and responsibilities for those involved in emergency planning and response. As a Category 1 responder, NFDC has a statutory duty to respond effectively to emergencies.
2. Local Authorities are, alongside the emergency services, some health bodies and the Environment Agency, subject to the full set of civil protection duties in the Act, which are 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 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-ordination.
 - co-operate with other local responders to enhance co-ordination and efficiency.
 - (local authorities only) provide advice and assistance to businesses and voluntary organisations about business continuity management.
3. Local responders work to a common national framework and make their own decisions according to local circumstances and priorities. This allows local responders to develop plans and make arrangements that are appropriate in their areas to deliver their duties under the Act.

Background

4. In recent years Hampshire County Council (HCC) have provided a range of Emergency Planning (EP) services to NFDC and several other district councils in Hampshire under a partnership service level agreement (SLA). These services included delivering training, representation at meetings and national events, joint planning exercises and the development of key response plans, plus the availability of expert advice and resilience in times of emergencies. This service cost £22,500 per year and removed the direct obligation for NFDC to perform, or lead on, these functions in turn negating the need to employ several officers to carry them out to ensure compliance.
5. In addition, NFDC employs a part time officer (22.5 hours per week at Band 8 at a pro rata cost of approximately £28,000 plus on costs) to

lead the co-ordination of EP and business continuity processes within the organisation, which is managed by the Service Manager and Environment and Regulation.

6. This role, plus the partnership, also provides a link into the Hampshire Local Resilience Forum (LRF), which is a partnership to help people in Hampshire and the Isle of Wight stay safe. LRF partners aim to reduce risk in the community and help people be prepared for emergencies. The LRF includes emergency services, councils, health bodies, the environment agency, utility companies, transport operators and voluntary organisations.
7. In July 2024 HCC served notice on NFDC and all their partner councils to cease their provision of EP services from April 2025. Instead, they will focus on providing emergency and resilience services to their own services.
8. In an emergency HCC must still perform their statutory duties outside of their SLA and support the emergency services in responding to major emergencies. This may be through:
 - providing shelter for people in rest centres
 - flood and water management
 - identification of vulnerable persons (adult and children social care)
 - traffic management
 - public health advice
 - warning and informing the public

NFDC requirements

9. The Council does not have the internal resource capacity to cover all aspects of the EP preparedness required to meet our duties. The Council requires resource support to assist with the following aspects of EP:
 - **Co-operation between** other local responder bodies via the Hampshire and Isle of Wight Local Resilience Forum (LRF Executive), LRF Delivery Group and any appropriate sub-groups formed (as defined by the Local Authority remit) within the LRF.
 - **Information sharing between** other responders, to include procedures for the obtaining, releasing and disclosure of sensitive information between the parties.
 - **Risk Assessments** and multi-agency co-operation to maintaining an LRF Community Risk Register (CRR).
 - **Producing, maintaining and providing plans** to ensure that, if an emergency occurs or is likely to occur, the Council can deliver its functions so far as is necessary, desirable or reasonably practicable for the purpose of controlling or mitigating the effects of the emergency; and taking other action in the event of an emergency.

- **Providing a co-ordinated response** in communicating with the public in respect of being made aware of the risks of emergencies, how local responders, including the Council, are prepared to deal with emergencies, and what the public should do before emergencies occur.
- **Providing a co-ordinated strategy** with other responders, in communicating with the public in respect of, warning and disseminating information and advice as necessary at the time of an emergency and maintaining such arrangements.
- **Providing advice and assistance** to internal Council departments and other external partners to manage business continuity planning and management in the event of an emergency.
- **Delivery of briefings, training and exercises** to Council staff, members and other organisations on:
 - Strategic Incident Management (Response & Recovery)
 - Tactical Incident Management (Response & Recovery)
 - Emergency Control Centre Procedures
 - Training relating to major accidents at industrial establishments (COMAH), (MACR) (MAHP) and (REPPIR) where applicable within the Authority's geographical area or immediately adjacent to
 - Multi agency exercises
 - Incident Liaison Officer training
 - Communications staff training
 - Maintaining levels of awareness and confidence in staff who have a role identified within a plan by providing regular continuation training.
 - An annual EP exercise.

Options Appraisal

10. The decision taken by the County Council to cease the SLA means the Council must consider a range of options to maintain compliance with its duties under the Civil Contingencies Act 2004 from 1st April 2025. The available options are:
 - Option 1 – NFDC to deliver its own emergency planning service.
 - Option 2 - A shared service/resource between several districts to undertake agreed EP activities.
 - Option 3 – Replicate and enhance the current model and join an alternative third-party EP delivery model.

11. Option 1: Whilst this option presents an opportunity for the Council to be in control of EP practices in the New Forest, it does mean that a review of resources is required to ensure there is adequate provision to maintain our duties, namely, provision of training and exercising, review of risks within the district, and involvement in County meetings and workstreams to bring back learning and the latest methodologies to lead the improvements required to embed the Council's response to emergencies and business continuity. Therefore, to deliver this option

it is likely to require additional staffing resources over and above the cost and value of joining a partnership, whilst the desired outcomes are likely to be delivered over a longer time period.

12. Option 2: All districts and boroughs in Hampshire who were members of the HCC partnership are now reviewing their approach. A number of these have considered commencing their own joint partnership approach to replace the service provided by HCC and have met to progress this. Each council has different EP service requirements, depending on the level of their own resources, capabilities and inhouse experience of EP. This approach will require clear agreement and backing of all councils involved. As this approach is new, there are risks regarding how a collective agreement can be reached, and how quickly and successfully this approach can be set up to deliver a resilient and effective service.
13. Option 3: Southampton City Council (SCC) deliver EP services as a shared service with Portsmouth City Council and provide services for 3 other districts within Hampshire - Eastleigh, Fareham and Gosport. They have an established delivery model for these Councils, similar to the HCC service, however there are some notable and positive differences, including tailoring the service specific to each Council's needs and the additional support for business continuity. There are also natural synergies with this Solent grouping as we share similar EP risks along our coastline, port areas and Control of Major Accident Hazards (COMAH). Early dialogue with SCC has commenced, with confirmation that they have capacity to support an additional Council and are keen to enter into partnership with NFDC. SCC would provide resilience with a team of EP specialists to support NFDC. The cost of this service is £23,000.

Recommended Option

14. Option 3 – this requires minimal set up compared to options 1 and 2, allowing the prompt continuation of resilience and support to the Council, and given the skills and experience immediately available at SCC it derisks the actions required to meet the Council's duties.
15. This option does not require any additional NFDC resource and in delivering the agreement will provide the necessary support to ensure NFDC has a robust internal emergency planning structure (Gold, Silver, Emergency Control Centre (ECC), Incident Liaison Officers (ILOs), 24-hour control room, communications etc.) to be prepared to respond and recover from an incident.
16. This option provides opportunities to grow the Council's EP preparedness quickly, as it is recognised there is further work to complete internally to reach our required level of response and resilience.

NFDC Resource requirements

17. The Lead EP Officer at SCC recommends that the Council maintains a dedicated inhouse part-time resource to support the implementation of plans and processes, and co-ordinate training requirements. This model operates successfully in the other partnership district councils. This recommendation requires no further changes to the substantive part-time role, which is currently vacant and being held until the future direction of EP is resolved.

Corporate plan priorities

18. **Theme:** Empowering our residents to live healthy, connected and fulfilling lives.
19. **Corporate Plan Objective:** Support our communities in increasing their resilience to respond to, withstand and recover from adverse situations. Conduct emergency preparedness exercises and ensure robust business continuity arrangements are in place to support community resilience in responding to incidents. Work with our communities to understand their needs and empower them to influence the services and outcomes of their area.
20. **Service Objective:** Implementation of the emergency planning and business continuity service action plans.

Consultation undertaken

21. Consultation has taken place with both HCC and SCC to arrive at the recommendations in this report.
22. A draft of the report has been previously circulated to EMT and the Portfolio Holder and initial comments have been incorporated in this report.

Financial and resource implications

23. The recommended option requires no additional cost and can be met from existing revenue budgets, previously used to acquire this service from HCC. The fee for the SCC service is considered value for money, in consideration of the ability to tailor the service required, and a guarantee of the equivalent of a minimum 1 day per week dedicated time to support NFDC operations.
24. The partnership of Solent based councils provides new opportunities to provide specialised responses to geographical risks and other potential collaborations. SCC have a fully resourced team of EP specialists providing resilience at time of leave and absence. SCC also provide support for the development of Business Continuity which is not currently provided by the existing provider.

Legal implications

25. There is a requirement to agree and sign a Service Level Agreement. Officers consider that the SLA does not contain any identified risks and concerns to highlight.
26. There are legal, financial, reputational and public safety implications of not meeting the Council's duties under the Civil Contingencies Act 2004. This could result in fines or compensation claims.

Risk Assessment

27. Emergency planning preparedness requires the development of key risk assessments of Council activity in response to emergencies, key risks sites and potential for incidents to take place within the district, and to assess and mitigate risks associated with business continuity impacts.
28. There are also risks associated with not supporting and resourcing the Council's EP preparedness effectively, leading to legal, reputational and public safety implications of not meeting the Council's duties under the Civil Contingencies Act 2004.

Environmental / Climate and nature implications

29. Whilst there are no significant direct implications arising from the report the Council's response to emergencies could have the potential for negative impacts on the environment if appropriate measures and responses are not activated in response to environmental emergencies, such as spills and large fires etc.
30. The impact of climate change is likely to increase the potential number of incidents across the district, so it is crucial that our preparedness for such events is continually under robust review.
31. Whilst Council Officers will still need to attend regular meetings, the partnership does present opportunities to avoid duplication in terms of attendance and production of work.

Equalities implications

32. EP in the New Forest considers individual communities' needs in response to an emergency, particularly where those communities are impacted by socio-economic factors which affect their ability to respond or manage in the event of an emergency.

Crime and disorder implications

33. EP responses may be required in the event of civil unrest, or to help prevent civil unrest in response to an emergency. Effective plans are required to manage these responses.

Data protection / Information governance / ICT implications

34. Data sharing agreements will be established with all appropriate agencies.

New Forest National Park / Cranborne Chase National Landscape implications

35. There are no direct implications regarding these areas, however there may be emergency incidents located in these areas, which require consultation and liaison at the appropriate time. Preparedness consultations will be factored into the EP action plan.

Portfolio holder endorsement

I have agreed to the recommendations of this report.

Sign: Cllr Dan Poole

Date: 19 September 2024

Appendices

None

Background Papers:

[Civil Contingencies Act 2004](#)
(legislation.gov.uk)

[COMAH - Public information on establishments subject to the COMAH](#) (hse.gov.uk)

Date on which notice given of this Decision – 19 September 2024

Last date for call in – 26 September 2024