Delivering the new
BUCKINGHAMSHIRE COUNCIL

Interim
Civil Contingencies Policy

Authors:
Civil Contingencies Workstream

Version 1.0

1.0 Introduction

The new Shadow Authority is required to prepare, approve and publish certain emergency and civil contingency plans before Vesting Day (1 April 2020).

This overarching policy sets out how this legal obligation will be met prior to Vesting Day and clarifies the plans that are required subsequently once the new Council is operating.

2.0 Legal Obligations

2.1   The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 require, in regulation 11 that 4 statutory plans must be prepared and in place for the whole of the new unitary area before 1 April 2020 and they relate to emergency planning matters.

2.2   These are:

- Emergency and business continuity plans under Section 2(1) (c) and (d) of the Civil Contingencies Act 2004 ("CCA")
- Off-site emergency plans under Regulation 10 of the Control of Major Accident Hazards Regulations 1999 [Replaced by 2015 Regulations] – Only if there is a relevant site within the Council's area.
- Off-site emergency plans under Regulation 9 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001 - Only if there is a relevant site within the Council's area.
- The plan prepared under Regulation 25 of the Pipeline Safety Regulations 1996 (emergency plans in case of major accidents)

2.3   Once these plans have been approved or reviewed/ revised, the Shadow Authority must publish the full plan (or such part of the plan) as the Authority considers necessary or desirable, for the purpose of: preventing an emergency and/or reducing, controlling or mitigating the effects of an emergency, or enabling other action to be taken in connection with an emergency.

2.4   The current councils are defined as Category One Responders in the CCA and have duties under it to "maintain plans for the purpose of ensuring that if an emergency occurs or is likely to occur the person or body is able to perform his or 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". The CCA also requires councils to maintain plans to ensure that they and those organisations delivering services on their behalf (i.e. contracted-out services), can continue to exercise all their functions in the event of an emergency so far as is reasonably practicable. These plans remain in force until Vesting Day.

2.5   The new Buckinghamshire Council will be defined as a Category One Responder and must comply with the following duties in the CCA:

a) To co-operate with other Category One and Two Responders.
b) To share information with other Category One and Two Responders.
c) To undertake risk assessment as part of the Local Resilience Forum and share the information about risks to the public.
d) To develop emergency plans.
e) To communicate with the public in the event of an emergency.
f) To develop Business Continuity Plans (BCPs).
g) To advise and assist local businesses and voluntary organisations through the promotion of BCM.

2.6   Whilst the CCA contains the principal legal obligations for the new council in relation to Civil Contingencies, the following legislation also applies and places duties/obligations on it:

a) Control of Major Accident Hazards Regulations 1999 (COMAH)
b) Ionising Radiation Regulations 2017 (IRR17)
c) Radiation Emergency Preparedness and Public Information Regulations 2019 (REPPIR)
d) Pipeline Safety Regulations 1996 (PSR)
e) Floods & Water Act 2010
f) Public Health Act 1984
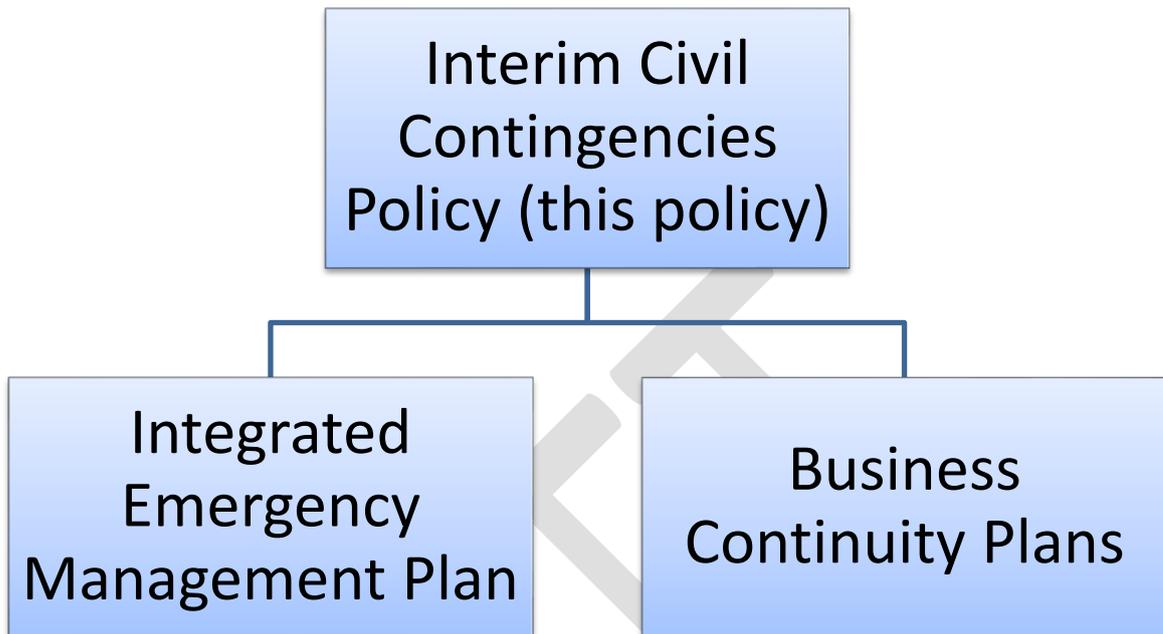g) Coroner's Act 2009

3.0 Accountability / Governance

3.1   Until Vesting Day, existing CCA compliant plans and governance structures for emergency planning and civil contingencies within Buckinghamshire will apply. Individual councils are responsible for ensuring that their organisation meets the requirements of the CCA. This already involves close working between the emergency planning and civil contingencies teams at each of the current Councils and other First and Second Tier Responders. This seeks to ensure there is no reduction in capability or resources to respond to an emergency situation during the transitional period.

3.2   Proposals for the Governance structures required to support emergency planning and civil contingency work in the new council are being developed.

4.0 Framework Arrangements

This policy will inform and support the development of the other key plans required.

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5.0 Integrated Emergency Management (IEM) Principles

5.1   The over-riding purpose of IEM activities is to ensure that the existing Councils and after Vesting Day, Buckinghamshire Council can respond to an incident or emergency affecting the Buckinghamshire Community either individually or as part of a multi-agency response.

5.2   IEM arrangements need to be compliant with a hierarchy of controls which include:

a) Legislation as identified in section 2 above.
b) "Emergency Planning & Preparedness" and "Emergency Response & Recovery" – statutory and non-statutory guidance respectively, provided by the Cabinet Office.
c) National Capabilities Guidance as shared by the Civil Contingencies Secretariat or other National department.
d) Thames Valley Local Resilience Forum (TVLRF) strategic and tactical plans and guidance.
e) The Joint Emergency Services Interoperability Principles (JESIP).
f) Best practice and identified learning from incidents or emergencies.

5.3   The primary document that details the response to an emergency is the Emergency Plan. Each of the current Councils have an Emergency Plan in place which will

continue until Vesting Day. For the period from Vesting Day until 1 April 2021, or until the Council's structures are finalised, an Interim Emergency Plan (IEP) is proposed.

5.4   Having regard for the formal definition of 'emergency', the IEP will detail the response to any incident, major incident or emergency that affects the Community and for which Buckinghamshire Council is required to respond. To this end, the IEP will be flexible and scalable to suit the incident or emergency.

5.5   The IEP will detail the generic response of the Council to incidents or emergencies based on an all-hazards approach using information from the TVLRF's Community Risk Register.

5.6   Where necessary and appropriate, specific hazard / threat based plans ("subordinate plans") will be required and prepared. These will, as far as reasonably practicable, reflect the generic command, control, coordination and communication (C4) framework as laid out in the IEP.

5.7   The IEP will include corporate Business Continuity Management (BCM) invocation and command and control arrangements, negating the need for a separate corporate Business Continuity Plan (BCP) prior to Vesting Day. Business Units will still be required to have their own BCM arrangements.

5.8   When undertaking emergency planning, special regard will be made to the vulnerable.

6.0 Business Continuity Management (BCM) principles

6.1   Current Councils' BCM programmes will remain in place until Vesting Day. The current Councils will ensure that individual BCPs derived from these pre-existing BCM programmes are in place and adapted to ensure that they are compatible with the IEP.

6.2   Implementing the Structural Change Order should be considered a 'Priority activity' in relation to BCM. To that end, all work-streams should ensure that they have considered which critical elements they will need to continue and how they will be managed. Measures should be put in place to achieve these.

6.3   Where the implementation of the Structural Change Order creates a new 'Priority activity' that will need to be 'live' from Vesting Day, the work stream should ensure that appropriate BCM arrangements are in place to ensure that it can be continued in the event of a disruption to normal service delivery.

6.4   An Interim BCM programme will be developed to identify how BCM will be implemented and maintained throughout Buckinghamshire Council. This will be

valid from 1 April 2020 until 31 March 2021 while the new Council structures are finalised.

6.5 The Interim BCM programme will be aligned to the International Standard, ISO22301 (2012) and satisfy the Council's compliance with the CCA and subsequent regulations and statutory guidance. This will be a cyclical programme that reflects the current, organisation, structure and legislative responsibilities of the Council.

6.6 The Interim BCM Programme will cover all Council functions at all levels as well as those functions that have been subcontracted to external suppliers, where the overall legal responsibility remains with the Council.

6.7 A BCM software system is being procured in 2019. It is expected that this will provide the basis of the future BCM Programme for Buckinghamshire Council.

6.8 Contracted Service Providers are required to provide evidence to their contracting Council Service that they have effective Business Continuity Plans (BCPs) that will ensure the continuation of the contracted service in the event of a disruption to the subcontractor or supplier, even if they are responding to an emergency.

6.9 Currently and after Vesting Day, Council Contract Managers are responsible for ensuring that their Service Providers can continue to deliver all their critical activities, including those contracted out by the Council, to a satisfactory level.

7.0 Monitoring and Reporting

7.1 Prior to Vesting Day, monitoring will be undertaken through the current Councils' arrangements and the Shadow Authority arrangements (i.e. Resources Board and Shadow Authority Executive).

7.2 Post Vesting day, monitoring will be via the structure and arrangements of the new Council.

8.0 Multi-Agency Working

8.1 The current Councils already undertake a significant amount of multi-agency working to meet their CCA obligations. The separate teams currently work in close partnership with each other and local stakeholders to deliver incident response and training opportunities.

8.2 The Buckinghamshire Council will continue to support and work alongside these multi-agency partners and will attend and participate in the following:

- Thames Valley Local Resilience Forum
- Thames Valley Local Health Resilience Partnership
- Buckinghamshire Resilience Group

- Buckinghamshire & Milton Keynes Volunteer Resilience Committee

9.0 Major Incident Management

9.1   In the event of a major incident prior to Vesting Day, the current Councils' incident management arrangements will be invoked and used.

9.2   Post Vesting Day, new arrangements (including a Crisis Management Team of senior officers to provide strategic direction) will be developed and detailed in the IEP.

10.0   Role of Members

10.1   Although councillors are not involved in the operational response to a major incident they do have a leadership role to play that includes:

- *Political leadership*; ensuring that the council is meeting its obligations under CCA, in terms of preparing for and responding to emergencies.
- *Civic leadership*; providing a focal point for the local area during an emergency situation.
- *Community leadership*; helping to increase community resilience, and supporting communities' emergency responses and through the period of recovery.

11.0   Training and Exercising

11.1   Until Vesting Day, existing training arrangements from current Councils will apply.

11.2   As part of the civil contingencies workstream, opportunities for shared training, exercising and skills development are also being developed.

12.0   Competencies

12.1   Until Vesting Day, existing requirements from current Councils will apply.

12.2   Future Competency arrangements will be developed following Vesting Day.

13.0   Policy Approval and Review

13.1   This interim policy is valid from approval and will be reviewed and revised by 31 March 2021.

13.2   Plans approved by the Shadow Authority automatically carry forward to the new Council after 1 April 2020 under Regulations 11(8) and 31(3)

Appendix 1
Definition of an Emergency, Major Incident and Incident

An 'Emergency' in the context of the Civil Contingencies Act is defined by Guidance[1] as:

"An event or situation which threatens serious damage to human welfare in a place in the UK, the environment of a place in the UK, or war or terrorism which threatens serious damage to the security of the UK".

The threat to human welfare is an emergency only if it involves, causes or may cause[2]:

- Loss of human life,
- Human illness or injury,
- Homelessness,
- Damage to property,
- Disruption of a supply of money, food, water, energy or fuel,
- Disruption of a system of communication,
- Disruption of facilities for transport, or
- Disruption of services relating to health"

Further descriptions are used by Central Government[3] to explain their varying levels of involvement in an emergency (i.e. emergencies on a greater scale / requiring higher levels of coordination). These include:

- Significant emergency (level 1)
- Serious emergency (level 2)
- Catastrophic emergency (level 3)

Major Incident

The Emergency Services continue to use the expression, 'Major Incident', which is defined as:

- ▪ *"An event or situation, with a range of serious consequences, which requires special arrangements to be implemented by one or more emergency responder agencies".*

Incident

An incident is an unplanned event that has an impact on the Council or the community. Not all incidents are emergencies in accordance with the legal definition however there may still be a requirement to respond to incidents.

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[1] Emergency Preparedness (2005). HM Government.
[2] CCA Part 1, s1(2)
[3] Responding to Emergencies. The UK Central Government Response. Concept of Operations. March 2010

Appendix 2 – Ensuring Consistency in Business Continuity Management (BCM) arrangements

Overview

1. In order to support the review and revision of BCM arrangements and BCPs in a consistent and integrated way in time for Vesting Day, the following strategic information is necessary:

   a. Consistent identification of "priority activities"
   b. Consistent identification of business continuity planning assumptions
   c. An agreed invocation process – this will be included in the Interim Emergency Plan.
   d. An agreed incident (tactical) and crisis (strategic) management structure - this will be included in the Interim Emergency Plan.

Activities – definitions

1. "Core Activities" are all activities that are delivered on a routine basis.
2. "Priority Activities" are those critical activities that are essential to the organisation and are those activities that MUST be continued in accordance with the BCM duty of the CCA.

Strategic Criteria to identify Priority Activities

Priority activities, which must be continued within identified timeframes to identified levels, and for which there must be BCM arrangements and specifically BCPs, are:
- Line management and communication with staff.
- Any activity relating to emergency response.
- Any high level / high value contracts.
- Any activity that is a critical interdependency for another prioritised activity.
- Any activity with an assessed 'intolerable' impact on the organisation in the event of a loss.
- Any activity with an assessed 'high' impact on the organisation in the event of a loss and an RTO of up to a week.
- Any activity with an assessed 'high' impact on the organisation in the event of a loss and an MTPD / MAO of up to two weeks.
- Any activity that a Service Director determines should be considered 'critical'.

Business Continuity Planning Assumptions

In order to ensure that consistent BCM is undertaken, BCM planners should consider how their Priority Activity will be continued in the event of the following:
1. Loss of staff (both temporary and permanent): Reasonable Worst Case Scenario (RWCS) for temporary absence of staff – up to 35% over a 2-3 week period.

2. Denial of site or geographical area: to include temporary loss for up to a week as well as medium to long-term loss of premises.
3. Loss of mains electricity: RWCS – complete loss of electricity across the UK for up to 5 days. Significant secondary consequences across the country.
4. Disruption to transport: RWCS – no local rail / air transport for 24 hours with 4 days of disruption; road disruption up to 7 days.
5. Loss of mains water and sewerage: no water for 3 days with 3 further days of disruption; denial of water in one locality for up to 7 days.
6. Loss of availability of oil and fuel: disruption for up to 10 days, without support from Central Government.
7. Loss of gas: short term loss to localities, restored within 3 days. Some impact on electricity supply.
8. Loss of electronic communications: loss of public telecoms for up to 5 days; loss of landline / dependent systems for up to 3 days affecting a local area (approx. 100k).
9. Loss of Information Technology (IT): loss of all server related folders, apps including website / email for up to 7 days. Permanent loss of hardware (e.g. from a fire).
10. Loss of access to clients / customers / service users / service providers.