

report

meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY	
date	1 AUGUST 2003	agenda item number

REPORT OF THE CHIEF FIRE OFFICER

THE DRAFT CIVIL CONTINGENCIES BILL

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform Members of the draft Civil Contingencies Bill released for public consultation on 19 June 2003. The purpose of the Bill, and associated documents, is to set out the proposals to allow wide consultation before the Bill is introduced to Parliament, and set out the specific questions on which the Government is seeking views. The draft Civil Contingencies Bill and Explanatory Notes are published alongside a consultation paper, and with Regulatory Impact Assessments. The Government welcomes comments on the proposals for the new legal framework set out in the draft Bill by 11 September 2003.

2. BACKGROUND

- 2.1 Following the fuel crisis and severe flooding in the autumn and winter of 2000, the Deputy Prime Minister announced a review of civil protection arrangements in England and Wales. In this review, Government made public its commitment to introducing new legislation in this area, recognising that civil protection in the 21st Century bore little resemblance to the 20th Century legislation in which it had its roots. Practitioners had been pressing for a change in legislation, to reflect the move from Cold War civil defense to modern civil protection.
- 2.2 A public consultation lasting twelve weeks was held in 2001, from August to October. A series of seven workshops was held as part of the consultation process: these were attended by 325 people. Written submissions were invited from all interested parties: 267 were received. These informed the final report on the consultation. The results of the 2001 Emergency Planning Review can be viewed on the Civil Contingencies website (www.ukresilience.info/epr/index). The final report was made public in February 2002.
- 2.3 The way in which the foot and mouth disease outbreak in 2001 was managed drew widespread comment from a range of bodies. Negative perceptions were drawn from the regional and national response to the extensive flooding in 2000 and the fuel crisis. Government recognised that although arrangements to deal with disasters affecting a localised area were well established, arrangements at a regional level were unpractised and led to a disparity in response across the affected areas. Government concluded that robust regional arrangements needed to be put in place.

- 2.4 During the public consultation period of the Emergency Planning Review a significant event occurred – the attacks on the USA on 11 September 2001. This had a considerable impact on civil protection in the UK. It caused a fundamental review within Government of its own procedures to deal with emergencies, as well as how well the UK as a whole would respond. This led to a reassessment of what should be encompassed within potential civil protection legislation.
- 2.5 The Bill sets out new duties for those engaged in civil protection work at the local level. The Bill's aim is to provide the Fire Service, and other organisations that form the core of the local response, with a clear and consistent set of expectations and responsibilities in relation to civil protection, to ensure consistency of activity and to deliver improvements in performance and communication. Local responders will deliver civil protection based on key themes – risk management, emergency planning, business continuity, warning and informing the public. The Bill also provides for the setting out of the relationship between core responders and key co-operating bodies in both the private and public sectors. It hopes to provide for the establishment of arrangements for better communication, co-operation and information sharing. The proposals would replace the existing legislation, the Emergency Powers Act 1920, and in Northern Ireland, the Emergency Powers (Northern Ireland) Act 1926.

3. REPORT

- 3.1 Within the Bill, the Government is seeking to improve the UK's resilience to disruptive challenge. The aim of building resilience is to reduce susceptibility to challenges by reducing the probability of their occurrence and their likely effects, responding effectively and efficiently when they occur and building institutions and structures in such a way as to minimise the possible effects of disruptions upon them. Disruptive challenges exist along a spectrum of severity ranging from local flooding to massive terrorist attack.
- 3.2 The Government's approach to the resilience agenda has several strands:
- Improved horizon scanning activity to identify and assess potential and imminent disruptive challenges to the domestic UK and assist in the development of an integrated response.
 - Increased investment in the capabilities that underpin response to emergencies, through a Capabilities Programme.
 - An enhanced counter-terrorism framework, including investment in operational activity and new legislative measures.
 - An emphasis across Government on improved business continuity arrangements.
 - New civil contingencies legislation.

The last of these strands is addressed within the Civil Contingencies Bill, and the accompanying non-legislative measures. The Government will endeavor to deliver a single framework for civil protection in the United Kingdom and sees this as a key element of its work to enhance resilience to disruptive challenge. The current framework is viewed as disjointed in places, therefore, the Bill will aim to deliver consistency of approach and outcome.

- 3.3 Local responders will deliver civil protection based on key themes – risk management, emergency planning, business continuity and warning and informing the public. The Bill also provides for the setting out of the relationship between core responders and key co-operating bodies in both the private and public sectors.
- 3.4 The Government is establishing a new regional civil protection tier and feels that recent disruptive challenges have demonstrated both the weaknesses and potential of current regional arrangements. To take advantage of that potential, the Government has focused on clarity of role and responsibility of the regional element, which it feels has to be developed in partnership with local responders and Central Government to ensure it adds value. The new arrangements draw together activity already organised on a regional basis and provide a strong bridge between the centre and local areas. Regional Resilience Teams are already in place in Government Offices, and Regional Resilience Forums have been formed to bring together the key players. The guidance to the Bill explains these changes, and sets out how the Bill will enhance this further, providing for the regions to take a role in emergency management and allowing for special legislative measures to be used on a regional basis.
- 3.5 The role of Central Government machinery based around the Civil Contingencies Secretariat, Lead Government Departments and a robust crisis management capability has been reviewed and refined in the light of recent experience. The Government is also putting in place a standards and audit regime for proper performance management of civil protection activity in Central Government to ensure operational effectiveness and financial efficiency. The Bill also explains the proposal to modernise the legislative tools available to Central Government to deal with the most serious emergencies, providing for greater flexibility, proportionality, deployability and robustness.
- 3.6 A new Directorate has been established within the ODPM which will be called the Civil Resilience Directorate. Alun Evans, who led the White Paper team, is the Director of the Civil Resilience Directorate. The reason for establishing this Directorate is to give more support to the New Dimension and Firelink projects. The new Directorate will also deal with matters relating to the decontamination of buildings. There is no doubt that the Fire, Health and Safety Directorate will have a great deal of work to do in respect of supporting delivery of the White Paper issues. The new Directorate was formed to ensure Civil Resilience was given the resources required.

4. CONCLUSION

- 4.1 The impetus for the Bill appears to be a realisation by the Government and key stakeholders that many of the certainties that determined the way in which the public, private and voluntary sectors prepared for past emergencies cannot now be relied upon. The Draft Civil Contingencies Bill sets out how Civil defence no longer exists as a practical stand alone activity. As a result of recent disruptive challenges, including the potential for terrorist activity, traditional emergency planning needs to be more flexible, and have greater regard to risk management than that provided by present legislation, such as the outdated 1920 Emergency Powers Act and the 1948 Civil Defence Act.

5. FINANCIAL IMPLICATIONS

5.1 Potentially there are direct financial implications arising from this report, particularly in relation to the need to enhance the Service's commitment to greater levels of involvement and planning at local and regional levels, however, firm implications will need to await the conclusion of the Bills consultative process.

6. PERSONNEL IMPLICATIONS

6.1 There are no immediate personnel implications arising from this report although the potential need to focus resources on additional levels and areas of preparation will unavoidably impinge on many other areas of activity.

7. EQUAL OPPORTUNITIES IMPLICATIONS

7.1 There are no equal opportunities implications arising from this report.

8 RISK MANAGEMENT IMPLICATIONS

8.1 The whole nature of the report is a function of the application of a risk managed approach to planning for, managing, and reacting to wide area disruptive challenges, sitting firmly within the operational remit of the Service.

8. RECOMMENDATIONS

9.1 That Members note the report and the consultative process and task officers to draft a response.

10 BACKGROUND PAPERS FOR INSPECTION

*Consultation will run for 12 weeks from
19 June 2003.*

*Comments will be considered if
received by 11 September 2003.*

*Respond to:
Civil Contingencies Bill (Consultation)
First Floor
10 Great George Street
London
SW1P 3AE*

Relevant Documents: Draft Civil Contingencies Bill – Consultation Document – June 2003

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