
PROVISION OF CIVIL CONTINGENCIES SERVICES

**Responsible Cabinet Member - Councillor Chris McEwan,
Economy and Regeneration Portfolio**

Responsible Director - Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. To seek permission from Council to waive contract procedure rules and agree that the Council enter into a service contract with Durham County Council for the provision of civil contingencies services.

Summary

2. The Council is under a statutory duty to prepare and plan for and respond to emergencies, under the Civil Contingencies Act 2004 and associated legislation.
3. The Council has used the services of Durham County Council to provide specialist support to the Council to deliver this duty since the new County Council was formed from the previous two-tier County and District Councils. The agreement under which those services were delivered expires in March 2013. Discussions have taken place with Durham County Council to determine a new agreement to share resources to continue to reduce the burden on individual authorities and maintain capacity and resilience. The benefits of the proposed agreement would be:-
 - (a) Durham County Council already have a skilled resource capable of providing the support required,
 - (b) Efficiencies can be achieved by delivering for two authorities,
 - (c) One lead authority will be able to develop a consistent harmonised approach across both authorities' areas which will be simpler and more transparent to other agencies operating within the same Local Resilience Forum.

Recommendation

4. It is recommended that :-

- (a) Council waives contract procedure and approves the development of a service contract arrangement with Durham County Council for the delivery of civil contingencies services.
- (b) The Director of Place Services be authorised to negotiate and enter into a service contract with Durham County Council to deliver civil contingencies services on behalf of Darlington Borough Council.

Reasons

5. The recommendations are supported to ensure the efficient and effective delivery of statutory duties relating to civil contingencies.

Richard Alty, Director of Place

Background Papers

- (i) Civil Contingencies Act 2004
- (ii) Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005
- (iii) Control of Major Accidents and Hazard Regulations 1999
- (iv) Pipeline Safety Regulations 1996
- (v) Reservoir Act 1975
- (vi) Draft Agreement between Durham County Council and Darlington Borough Council

Bill Westland: Extension 2552

S17 Crime and Disorder	There are no implications.
Health and Well Being	Preparedness and response to emergencies will be developed and improved reducing the adverse health and well-being issues that emergencies can cause.
Carbon Impact	There are no carbon impact implications in this report
Diversity	There are no implications for diversity.
Wards Affected	All wards will be affected in so much as they may suffer from an emergency situation.
Groups Affected	The whole community will benefit from improved and co-ordinated preparedness for and response to emergencies.

Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	This is not an Executive decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	The report contributes to the safe and healthy themes of the Community Strategy by preparing for and responding to emergencies.
Efficiency	The proposed arrangements will help to ensure the efficient delivery of duties under the Civil Contingencies Act 2004 by sharing officer resources and costs.

MAIN REPORT

Information and Analysis

6. Under the Civil Contingencies Act 2004 and associated legislation local authorities (along with several other agencies including the blue light services, Environment Agency, etc) are designated as category one responders. As such they are required to:
 - (a) Assess risks (such as severe weather, flooding, pandemic flu etc)
 - (b) Put in place business continuity arrangements
 - (c) Plan for responding to and recovering from emergencies
 - (d) Maintain public awareness and arrangements to warn, inform and advise the public
 - (e) To co-operate with other agencies
 - (f) To share information

7. Category one responders co-ordinate their exercise of these duties through a Local Resilience Forum, based on constabulary boundaries. Locally the Durham and Darlington Local Resilience Forum co-ordinates this work and is chaired by the Chief Constable.

8. The Local Authorities have historically used the services of a joint Civil Contingencies Unit to provide expertise and resource to assist in meeting their duties under the Act. Prior to the re-organisation of Durham County the Civil Contingencies Unit was jointly owned and funded by the County Council, the

Durham District Councils and Darlington Borough Council. On Durham's re-organisation the new single-tier County Council took on the employment of the Civil Contingencies Unit and Darlington Borough Council obtained its services through an agreement. That agreement expires at the end of March 2013.

9. A new draft agreement has been prepared that will provide services for a four year period. Under the agreement Durham County Council will provide the service at a charge to Darlington Borough Council. The services to be provided are comprehensive and are listed in Appendix One. Sharing these services with Durham County Council is the appropriate course of action because the two authorities operate within the same Local Resilience Forum and can therefore benefit by sharing work and products such as plans.

Procurement Strategy

10. Other similar units exist within the wider region but report through a different Local Resilience Forum, which restricts the ability to make savings as work is duplicated for two Local Resilience Forums. An in-house service could not deliver the same quality of service at the same cost because it could not benefit from the economies of scale that a shared service offers. A key example is the 24 hour seven days a week duty officer system that the Durham service offers. Similarly, the 10 or so staff within the Durham unit all carry different specialisms that Darlington can call on but could not support in a small in-house team (those specialisms include pandemic flu, flooding, business continuity, control of major accidents and hazards, pipeline off-site safety planning, and chemical, biological, radiation and nuclear hazards). A partnership with Durham provides both economies of scale and efficiencies through operating within the same Local Resilience Forum.

Financial Implications

11. A non ring-fenced grant is provided to deliver duties within the Civil Contingencies Act. A budget exists to deliver the duties and the contract costs are within this budget. Over the last 4 years costs have been driven down by around 23%. Under the draft agreement costs are frozen for the four-year contract period.
12. The proposed services contract is advised to be compliant with relevant EU procurement requirements set out in case law. The principle is that where two or more authorities are joining together to provide a joint service then such arrangement is exempt from the procurement requirements of EU procurement law. The proposal being put forward meets the tests required to satisfy this exemption; in particular there is no profit element in the costs, it is a statutory function under the Civil Contingencies Act 2004 and Darlington Borough Council will exercise a sufficient level of control over the service by means of an agreed governance structure.

Conclusion

13. The Civil Contingencies Act and associated legislation places duties on Darlington Borough Council to prepare for and respond to emergencies. A partnership with Durham County Council to assist in delivering these duties has, over the last four

years proved to work very well, and will continue to provide both economies of scale and efficiencies through operating within the same Local Resilience Forum.

SERVICES TO BE PROVIDED UNDER THE DRAFT AGREEMENT.

To successfully deliver this Service Contract the Supplier will:

1. Provide a 24/7 Duty Officer Scheme to receive and respond to notifications of potential or actual emergency situations within the Client area;
2. Provide on a 24/7 basis Civil Contingencies Officer to act as specialist advisors to Silver Commanders and Gold Officers in response to an emergency or during the recovery phase of an emergency;
3. Provide on a 24/7 basis Civil Contingencies Officer to act as specialist advisors to the Recovery Co-ordinating Group and subsequent working groups, following an emergency;
4. Provide day to day liaison with voluntary organisations who form the Voluntary Emergency Liaison Group and activate such voluntary sector organisations during both emergency response and recovery;
5. Produce and distribute on behalf of the Client "Situation Reports" (SITREPS) during the response to an emergency;
6. Assist the Client with the internal debriefing process following an emergency including the identification of lessons learned and the production of an Improvement Action Plan;
7. Assist the Client with the external debriefing process including, where necessary, representing the Client at such debriefs;
8. Produce and maintain as required an annual Emergency Rest Centre Manager on-call rota;
9. Undertake monthly call-out testing of the Client's Emergency Rest Centre Manager rota;
10. Maintain an Internal Civil Emergencies Contacts Directory on behalf of the Client;
11. Maintain a multi-agency Civil Emergencies Contacts Directory;
12. Horizon scan to identify any new civil contingencies issues which need to be considered and present these, along with recommendations, to the Client Manager;
13. Monitor for interoperability opportunities across their own work and that of the Client to maximise support opportunities to the Local Resilience Forum (LRF), e.g. mutual aid;

14. To represent the Client at LRF, multi-agency or regional meetings if the Client is unable to attend.
15. Provide access to a team of trained Civil Contingencies Officers who have Integrated Emergency Management skills, knowledge and experience across the spectrum of civil contingencies including CBRNE, counter-terrorism, excess deaths and mass fatalities, COMAH, pipelines, aviation, flooding and inundation.
16. Prepare plans and procedures which are robust, fit for purpose and meet the statutory needs of the Client. This will include national research, identification of best practice and where possible innovation in order set best practice. Draft plans and procedures will follow the authorisation process detailed in Appendix B. Finally, oversee the plan distribution and review process.
17. Work with Category 1, Category 2, Other Co-opting Bodies and the Voluntary Sector in order to fulfil the statutory duties stated in the "Civil Contingencies Act 2004".
18. Provide civil contingencies information for inclusion on the Client's website and intranet.
19. Produce an annual training and exercising programme to meet the needs of the Client's Gold Officers, Silver Commanders, Local Authority Site Liaison Officers (LASLOs), Emergency Support Staff and Emergency Rest Centre Managers. This will include 6 themed Emergency Responder Group meetings per year.
20. Deliver and evaluate training to the Client's Gold Officers, Silver Commanders, LASLOs, Emergency Support Staff and Emergency Rest Centre Managers.
21. Deliver and evaluate training to the Clients' Recovery Co-ordinating Group and the subsequent recovery working groups.
22. Deliver and evaluate training to the Client's key officers responsible for producing Business Continuity Plans.
23. Identify and promote opportunities for cross-border training events between Client and Supplier.
24. Where appropriate, assist in responding to national consultative documents relating to civil contingencies.