

Report to the Leader of the Council

Subject: Emergency Planning Support

Date: 19 May 2022

Author: Head of Governance and Customer Services

Wards Affected

All wards

Purpose

To seek approval to enter into an agreement with Nottinghamshire County Council for the provision of Emergency Planning Support to the Council.

Key Decision

This is not a key decision.

Recommendation(s)

THAT the Leader of the Council:

- 1) Agrees to enter into an arrangement with Nottinghamshire County Council for the provision of Emergency Planning Support to the Council as set out in this report.**
- 2) Delegates the authority for ongoing oversight and management of the arrangement to the Director of Corporate Resources.**

1 Background

- 1.1 This Council has a statutory responsibility by virtue of the Civil Contingencies Act 2004 to ensure that appropriate risk assessments, plans and arrangements are in place to mitigate, control or prevent an “emergency”, which is defined as:
- (a) an event or situation which threatens serious damage to human welfare in a place in the United Kingdom,
 - (b) an event or situation which threatens serious damage to the environment of a place in the United Kingdom, or

(c) war, or terrorism, which threatens serious damage to the security of the United Kingdom.

- 1.2 The emergency planning function currently sits within the service areas managed by the Head of Governance and Customer Services (HoS). Historically, the Council's health, safety and emergency planning functions were undertaken by one full time qualified Health Safety and Emergency Planning Officer (HSEPO) with support from Nottinghamshire County Council's emergency planning team (secured via service level agreement) and support from Newark and Sherwood District Council who provide senior representation at local resilience forum meetings on behalf of districts in respect of emergency planning (also secured through service level agreement). The HSEPO left the organisation in December 2021 and since January 2022, temporary resource has been provided to support the HoS in relation to emergency planning for the borough. Health and safety resource has been secured on an interim basis through Bolsover District Council's health and safety team, they do not however provide emergency planning services. To be clear, the ongoing arrangements for the delivery of the Council's health and safety function are to be considered separately and are currently being reviewed.
- 1.3 NCC approached the HoS earlier in the year with an offer to provide additional resource to the Council to support the Council's emergency planning function, this offer was extended to a number of districts who were in need of emergency planning support and was an offer already operating successfully between NCC and Rushcliffe Borough Council. The proposal was that in addition to the services already provided by NCC and Newark and Sherwood District Council, that NCC could provide a dedicated emergency planning officer (0.5 FTE) to the Council who would facilitate and support the Council's internal arrangements for emergency planning, having oversight for resilience of the service. The officer would provide the following services:
- Lead on the creation, maintenance and testing of relevant plans, including, but not limited to the emergency plan, flood plans and business continuity plans.
 - Provide bespoke training events for Council staff identified in having an operational role in emergency and business continuity plans.
 - Promote effective liaison between the Council and other agencies including by representing and acting on behalf of the Council at Local Resilience Forum meetings, when required, and by facilitating Inter-Agency Group meetings.
 - Carry out bespoke emergency planning research and associated report preparation for the Council.
 - Assist in completion of self-assessment processes.

- Take the lead in warning and informing the public, including the provision of public information (together with other Category 1 responders) on risk assessments and emergency plans.

- 1.4 It is recognised that under such an arrangement, the Council would still be responsible for fulfilling its statutory duties in relation to emergency planning, would still be responsible for providing mutual support to neighbouring authorities in the form of staff and material resources during an emergency affecting any authority, (subject to availability, local need and priorities) and that co-ordination of local authority joint action during activation of emergency plans remains with the Chief Executive during localised emergencies. It is also recognised that whilst the offer of support from NCC relieves some of the internal resource burden in respect of emergency planning, that relevant officers would still be involved and deployed in relation to emergency planning incidents, the offer from NCC provides oversight and co-ordination of the Council's response in emergency planning situations.
- 1.5 It is recognised that the departure of the HSEPO has left a gap in knowledge and expertise in relation to emergency planning, and whilst the interim support provided has been invaluable, the officer providing that interim support to the HoS is also leaving the Council at the end of May.
- 1.6 NCC have recently undertaken a recruitment exercise to recruit emergency planning officers to support the districts, and as such have capacity to deliver the additional emergency planning support to Gedling, as soon as those officers take their positions in the next few weeks. The offer from NCC provides the Council with some resilience in relation to emergency planning moving forward, it also provides the opportunity to review emergency plans, including business continuity plans which are due for review, and ensure they remain fit for purpose.

2 Proposal

- 2.1 With the departure of the HSEPO and the imminent departure of the interim resource who supports the HoS with emergency planning, ongoing resource to support the function is needed imminently. The offer from NCC provides a solution to the resource gap and also provides resilience for the function and specialised expertise in this area. It is therefore proposed that the Council enter into an agreement with NCC for the provision of an 0.5 FTE emergency planning officer to ensure the emergency planning function can be adequately resourced. The proposal is that an agreement for 3 years will be entered into with NCC which will be reviewed annually

with the option to terminate if, the arrangements are not satisfactory. The initial year will provide the Council with the opportunity to review whether 0.5 FTE is the right level of resource moving forward, as it is recognised that proportionally across the split of the HSEPO duties, time spent on emergency planning, is difficult to quantify and shifts depending on circumstances and number of emergencies. Covid-19 presented a particular challenge in terms of emergency planning resource, and the HSEPOs time was substantially taken up responding to that incident prior to his departure. Whilst the pandemics impact have reduced, flood impacts and an increased risk around cyber attacks, along with the potential introduction of the “protect Duty” by parliament this year is likely to impact on emergency planning resource.

- 2.2 The Council’s financial regulations provide that Cabinet is responsible for overseeing an effective partnership approach and is the focus for forming partnerships with other public sector organisations. Given the need for resource to be secured imminently to support the emergency planning function, it is proposed that the Leader approve this arrangement, but delegate the ongoing oversight of the arrangement to the Director of Corporate Resources.

3 Alternative Options

- 3.1 The Council could recruit an in house emergency planning officer, or the HoS could absorb the work. The HoS does not have the capacity or sufficient expertise in this area to take on this work. Work currently underway to review the HSEPO role, has identified that one FTE covering health and safety and emergency planning and occupational health is not likely to be sufficient moving forward. It is not considered to be the right approach at this time to simply replace that role. NCC are essentially providing the equivalent of an in house officer but with a team of emergency planning experts working alongside that officer at NCC. This provides a much greater level of resilience for the function than one in house officer.
- 3.2 The Council could look to enter into an arrangement with another authority for the provision of emergency planning support, however, given that three other districts are also looking to enter into arrangements with NCC for the same service, locally, there are unlikely to be authorities at district level who could assist.

4 Financial Implications

4.1 The Council currently has two service level agreements in respect of emergency planning, one with the County Council and one with Newark and Sherwood County Council as referenced above. The current spend to NCC in relation to this SLA is £6,000. This is for the provision of the following:

- 1.1 Providing advice, guidance and information to the District / Borough Council's Chief Executive, chief officers, councillors and staff, on emergency planning and business continuity issues.
- 1.2 Carrying out risk assessments for the Local Resilience Forum (LRF) area, together with other Category 1 responders (as defined in the Act), as part of the LRF Risk Advisory Group.
- 1.3 Facilitating, producing and maintaining multi-agency, generic emergency response plans and other emergency schemes and arrangements.
- 1.4 Arranging multi-agency training events relating to emergency plans.
- 1.5 Testing all emergency plans by exercise and review.
- 1.6 Providing emergency response capability, including that the County will provide a 24 –hour, county-wide, Duty Emergency Planning Officer emergency response system.
- 1.7 Project managing multi-agency events and initiatives, as determined by the LRF.
- 1.8 Providing an annual work, training and exercise programme.

This arrangement will continue and will be met from existing budgets.

4.2 The cost of the additional 0.5FTE provided by NCC is £21,800 to deliver the services listed in para 1.3 above. This amount can be met from a proportion of the budgeted salary of the HSEPO. This figure will be annually reviewed under the agreement with NCC, if the figure cannot be agreed on review the arrangement will terminate. There may be additional costs associated with mileage/disbursements, but this will be met from existing budgets.

4.3 As indicated, there is currently also a service level agreement in place with Newark and Sherwood District Council at a cost of £800 per year. This agreement provides all districts with a lead authority for emergency planning. Newark and Sherwood take the lead on organising mutual

support between districts in the event of emergencies and are the district lead at Local resilience Forums. The necessity and effectiveness of this will be reviewed if this proposal is agreed in light of the additional support the County would provide to this Council.

5 Legal Implications

- 5.1 The Council has a statutory duty in relation to emergency planning as set out in paragraph 1.1 above. In order to satisfy this duty the Council must ensure it has adequate arrangements in place, including suitable and sufficient resource. This arrangement is a partnership arrangement with NCC which requires executive approval. In addition, various statutory powers exist to facilitate such shared arrangements between authorities including s.113 of the Local Government Act 1976 and the Local Authority Goods and Services Act 1970.

6 Equalities Implications

- 6.1 There are no direct equalities implications arising directly out of this report. Suitable arrangements will be made to ensure that the officer designated to this Council has appropriate access to Council facilities.

7 Carbon Reduction/Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising out of this report.

8 Appendices

- 8.1 None

9 Background Papers

- 9.1 None

10 Reasons for Recommendations

- 10.1 To ensure the Council's emergency planning functions can be resourced in an effective way.
- 10.2 To avoid overburdening the Executive with the operational aspects of this partnership.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer