

## CABINET

21 March 2017

<b>Title:</b> Tri-Borough Civil Protection Service	
<b>Report of the Cabinet Member for Enforcement and Community Safety</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> Yes
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<b>Accountable Director:</b> Jonathon Toy, Operational Director, Enforcement Services	
<b>Accountable Strategic Director:</b> Claire Symonds, Chief Operating Officer	
<b>Summary</b>  <p>Barking and Dagenham Council and Waltham Forest Council established a bi Borough Civil Protection Service in 2010. The service is delivered by Barking and Dagenham who employ civil protection staff to manage the Council's preparedness to respond to emergency planning incidents, act as Emergency Duty Officers and ensure that the council's business continuity arrangements are robust.</p> <p>In the summer 2016, Redbridge Council approached Barking and Dagenham with a view to explore joining the bi-Borough arrangement. A review was carried out between September and December 2016 to consider the options, including the financial benefits to each borough. A business case was developed in collaboration with the three Councils at a civil protection officer and operational director level.</p> <p>The business case and recommendation is to be reported to the Cabinet for formal adoption.</p>	
<b>Recommendation(s)</b>  The Cabinet is recommended to:	
<ul style="list-style-type: none"><li>(i) Agree that the Council enters into a tri-borough service arrangement with Waltham Forest and Redbridge Councils in respect of civil protection services on the terms set out in the report; and</li><li>(ii) Authorise the Chief Operating Officer, in consultation with the Cabinet Member for Enforcement and Community Safety and the Director of Law and Governance, to enter into all necessary agreements to implement, manage and operate the shared service.</li></ul>	
<b>Reason(s)</b>  To assist the Council to achieve its priority of a "Well run organisation".	

## **1. Introduction and Background**

- 1.1 Emergency Planning is a statutory responsibility for all Local Authorities under the Civil Contingencies Act 2004. Boroughs discharge their duties through the development, exercising and execution of strategic and operational plans, in partnership with other 'Category 1' responders, including the Police, Fire and Health Services.
- 1.2 Local Plans feed into pan-London and sub-regional resilience arrangements and all Boroughs must aim to meet the Emergency Preparedness Minimum Standards for London. This work is supported by small local teams of professional Emergency Planning Officers.
- 1.3 In 2016, the London Local Authority Panel (LLAP) commissioned a review of Local Authority emergency planning arrangements, partly in response to concerns that resources for this work were being reduced across the Capital.
- 1.4 One of the recommendations from that review was for greater collaboration at the sub-regional level. The nature of that collaboration has been left to the discretion of the Chief Executives in each sub-regional cluster. As a minimum, the review recommended that 'a sub-regional lead Local Authority should be identified to co-ordinate enhanced collaboration and support a more equal contribution and benefit from sub-regional and regional operational and contingency planning. This arrangement should be underpinned by an output based Service Level Agreement and reviewed against clearly defined success criteria every two years.
- 1.5 The North East cluster comprises of Redbridge, Waltham Forest, Barking and Dagenham, Havering and Newham. The lead Chief Executive representing the North East Cluster at the London Local Authority Panel is Kim Bromley-Derry, from Newham.
- 1.6 Barking and Dagenham Council and Waltham Forest Council established a bi-Borough Civil Protection Service in 2010. The service is delivered by Barking and Dagenham who employ civil protection staff to manage the Councils' preparedness to respond to emergency planning incidents, act as Emergency Duty Officers and ensure that the Councils' business continuity arrangements are robust.
- 1.7 In the summer of 2016, Redbridge Council approached Barking and Dagenham with a view to explore joining the bi-Borough arrangements. A review was carried out between September and October 2016 to consider the options, including the financial benefits to each Borough. A business case was developed in collaboration with the three Councils at a civil protection officer and operational director level.

## **2. Proposal and Issues**

- 2.1 Senior officers representing the three Boroughs and managers from the respective civil protection teams, have held a series of meetings to explore the options related to civil protection arrangements for Barking and Dagenham, Redbridge and Waltham Forest.

2.2 There has been a number of shared principles that emerged that are consistent across the three Boroughs. They are as follows:

- That there should be an identified lead senior civil protection officer for each Borough.
- Each team member should have a specialisation, or area of expertise in emergency planning and business continuity which they would provide for all three local authorities.
- Civil Protection Officers should be aligned to projects, as opposed to being constrained to one Borough.
- There should be flexibility in the emergency planning and business continuity responses, that align with the local variations within each Borough.
- Senior Managers highlighted a requirement for a Governance Board, held at a director level to ensure that performance measures are established and the team is effectively responding to the needs of each Borough.
- An annual report is published, including a review of the service, setting out the performance measures and how the Minimum Standards for London, related to civil protection are being met.

2.3 These principles have helped shape the consideration of the options for civil protection across the three Boroughs. Options that were discussed included:

- Option 1 - Each Borough considers delivering its own single Borough in-house service.
- Option 2 - Redbridge, Waltham Forest and Barking & Dagenham collaborate to contract out Emergency Planning to a private sector civil contingencies provider
- Option 3 - Barking and Dagenham and Waltham Forest continue with the existing bi-Borough arrangement.
- Option 4 - Shared Service between Redbridge, Waltham Forest and Barking & Dagenham, with one Borough taking the lead, supported by a Joint Governance Board.

2.4 There has been a number of other key consideration factors that were discussed as part of the option appraisal. These included:

- That each Borough benefited from future savings related to any Tri Borough arrangement. It was clear that for the financial year 17/18, Redbridge would achieve a higher proportion of savings through any joint arrangement. This is due to the fact that Barking and Dagenham and Waltham Forest have already, successfully, achieved savings through the current arrangements. It has been agreed that any savings achieved in year two (18/19) would benefit Barking and Dagenham and Waltham Forest on a 50-50 basis. Savings achieved from year 3 onwards would be apportioned equally across the three local authorities.
- The direction of travel for civil protection arrangements in London means that there will be a greater emphasis on sub regional collaboration and delegated authority for civil protection co-ordination. A cross Borough arrangement that enhances the reputation and authority at a regional level will become more important as these changes are being developed.
- A key consideration is that the arrangement maintains effective links and engagement with key council and non-council partners in each Borough. This

included the links with blue light services and the direction of travel for cross Borough structures which are being considered by the Metropolitan Police.

- 2.5 Option 4 is considered to be the most closely aligned with the principles and other key considerations as set out above.

### **Implementation process**

- 2.6 Subject to approval of the proposal, a high-level Implementation Plan will be developed with a commencement date of 1<sup>st</sup> April 2017.
- 2.7 The implementation plan will be managed by the Operational Director for Enforcement, Barking and Dagenham Council and reported through the tri- Borough Governance Board as highlighted above. The Governance Board will comprise senior operational directors from each local authority with responsibility for civil protection and the Civil Protection Manager.
- 2.8 A set of performance indicators and processes will be developed as part of an implementation plan to measure the impact and performance of the new Service, including financial benefits. The Tri Borough Governance Board will monitor these and produce an annual plan for each local authority.

### **3. Options Appraisal**

- 3.1 The options appraisal is included in section 2 above.

### **4. Consultation**

- 4.1 Consultation took place with strategic managers and emergency planning officers through September to December 2016.
- 4.2 In addition consultation has taken place with senior HR managers from Barking and Dagenham Council and Redbridge Council to explore the options and best approach. In line with Option 4, existing staff within the Civil Protection Service in Redbridge Council will be transferred to Barking and Dagenham on existing terms and conditions and subject to TUPE arrangements.
- 4.3 The paper was approved at Corporate Strategy Group on the 16<sup>th</sup> February 2016.

### **5. Financial Implications**

Implications completed by: Katherine Heffernan, Group manager for Services Finance

- 5.1 The overall budget for 2017/18 across the tri-Borough arrangement is £425,000, of which £363,500 relates to the staffing structure. This figure excludes the funding for the Public Health post in emergency planning jointly contributed by Barking and Dagenham and Waltham Forest.
- 5.2 The full-year equivalent saving in the first year equates to £67,000 in total. This is broken down to £46,000 (full-year equivalent) for Redbridge and £10,500 each for Barking & Dagenham and Waltham Forest. This will be achieved through

management savings and will commence as soon as the management recruitment process has been completed (estimated 30 June 2017). Therefore, the projected part-year saving in 2017/18 is £34,500 for Redbridge and £7,875 each for Barking and Dagenham and Waltham Forest.

- 5.3 The shared service is expected to deliver further savings. Under the terms of the agreement, this will be shared equally between Barking & Dagenham and Waltham Forest in 2018/19 and as a three-way split with Redbridge from 2019/20 onwards.

## 6. Legal Implications

Implications completed by: Kayleigh Eaton, Contracts and Procurement Solicitor, Law and Governance

- 6.1 This report is seeking approval to enter into a three-year, shared service arrangement, with an option to extend for up to two years, with the London Boroughs of Redbridge and Waltham Forest for the provision of a Civil Protection Shared Service. This report notes that all local authorities have duties under the Civil Protection Act 2004 (the 'Act') and it is the intention of the three named Council's to collaborate to discharge their duties under the Act.
- 6.2 This report advises that this is a shared service arrangement led by this Council. Under the Public Contracts Regulations 2015 ("PCR 2015") an exemption has been provided for contracts which establish or implement co-operation between contracting authorities. Providing the arrangement is a genuine collaboration between the local authorities, this will not be an agreement which is subject to the PCR 2015.
- 6.3 This report also notes that in line with the preferred option, staff from Redbridge will be transferred to Barking and Dagenham. Advice should therefore be sought on the application of the Transfer of Undertakings (Protection of Employment) Regulations 2006 to this arrangement.
- 6.4 The Law and Governance Team will be on hand to assist and advise on the proposed documentation to be adopted for the shared service arrangement and will be available to answer any queries which arise throughout the contract period.

## 7. Other Implications

- 7.1 **Risk Management** – The only risk management issues relates to ensuring that there is continuity of provision of the Council's emergency planning and business continuity response. This has been addressed by ensuring that each local authority retains a lead officer and the changes do not affect the emergency response structure that exists in each local authority.
- 7.2 **Staffing Issues** - Civil Protection Officers will be consulted on a new staff structure for the joint service during the implementation phase, after all staff have been transferred to Barking & Dagenham. It is proposed that in year one (2017/18) the officer structure for the Tri-Borough shared service should retain the existing level of front line staff resource, reducing in year two, when leaner processes and the full benefits of the Tri-Borough Service can be realised. These draft structures are attached as part of the Business case.

7.3 **Corporate Policy and Customer Impact** - As currently, the same emergency response will continue to be provided to relevant incidents, irrespective of where those incidents are located in the three boroughs or which communities are affected.

Services to vulnerable groups during emergency incidents will be prioritised under the new Shared Service as they are at present.

7.4 **Property / Asset Issues** – There are no specific property asset issues associated with this report. The number of officers being transferred are limited to two and this will not have any impact on the current smarter working arrangements within the council.

**Public Background Papers Used in the Preparation of the Report:** None

**List of appendices:** None