

CABINET

24 APRIL 2012

Title: Proposed Extension of the Civil Contingencies Joint Service to include London Borough of Havering	
Report of the Cabinet Member for Customer Services and HR	
Open Report	For Decision
Wards Affected: None	Key Decision: Yes
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Accountable Divisional Director: N/A	
Accountable Director: Tracie Evans, Corporate Director of Finance and Resources	
Summary: This report proposes the extension of the current Civil Contingencies Joint service between Barking and Dagenham and Waltham Forest to include the London Borough of Havering. This will provide the framework for the delivery of further efficiencies whilst allowing the resilience and flexibility of the service to be maintained. It also proposes that the potential of the joint service model continue to be explored with other Boroughs, particularly those in North East London.	
Recommendation(s) The Cabinet is recommended to: (i) Agree to extend the joint Civil Contingencies service to Havering under a pilot arrangement; (ii) Agree to receive a report in December 2012 evaluating the pilot and making a recommendation as to whether to formalise the arrangement from April 2013; and (iii) Agree to continue the consideration of the extension of the joint service arrangement to include other Local Authorities in the event that it is considered to be in the Council's interests to do so.	
Reason(s) In order to meet the statutory requirements of the Civil Contingencies Act (2004) in a more resilient and cost effective way.	

1. Introduction and Background

- 1.1 The Civil Contingencies Act 2004 has several implications for Local Government including a requirement for boroughs to cooperate in all stages of risk identification, planning, training, exercising and response.
- 1.2 Under the 2004 Act, Local Authorities are designated as Category One responders, alongside services such as the Police, NHS, etc. However all other Category One Responders in London have a Pan-London command and control process. In essence this means that all of their duties under the Act are carried out on a much wider base than any single London Local Authority is able to provide.
- 1.3 At the meeting of Assembly on the 8 December 2010 Members agreed the following resolutions:
 - i. That the Council and the London Borough of Waltham Forest form a single Civil Contingencies Unit to meet the needs of their joint populations and the requirements of the Civil Contingencies Act 2004;
 - ii. That the Council enter into a formal agreement with the London Borough of Waltham Forest in a form to be agreed by the Legal Partner, under which the Council accepts a delegation of function from the London Borough of Waltham Forest in respect of their duties and obligations under the Civil Contingencies Act 2004, in return for funding and other contributions to be made by the London Borough of Waltham Forest; and
 - iii. To delegate authority to the Cabinet to agree the extension of the joint service arrangement to include other Local Authorities in the event that it is considered to be in the Council's interests to do so.
- 1.4 As a result of the resolutions passed in December 2010, The London Boroughs of Barking and Dagenham and Waltham Forest now have a Civil Contingencies Joint Service. The objectives of the joint service include improving resilience and flexibility; reducing the duplication involved in the formulation of single Borough strategies and plans; and making the best use of allocated resources to deliver a service that would follow the approach adopted by the other Category One Responders.
- 1.5 A number of benefits have already been derived from the joint working arrangements including;
 - i. A reduction of duplicated work in key activities that each authority previously had to deliver
 - ii. Increased resilience of response to emergencies through common shared practices. As all plans, training and exercising are brought together the whole unit will be available for response to either Authority helping to meet the needs of the Minimum Standards for London Tranche 1.
 - iii. A greater number of trained Civil Contingencies staff delivering advice and support across both Authorities even if the lead person is not at their desk
 - iv. An established back up Borough Emergency Control Centre (BECC) from which to carry out the command and control elements of a Major Incident response allowing either emergency control centre to support either Authority.

- v. A unified approach to training and developing shared skills across both authorities.
- vi An improved and consistent level of delivery to all Service Heads across both authorities.
- vii A collective voice for views to be presented to partner agencies and other London Emergency Planning units and the ability to reduce attendance at meetings with one representative for both boroughs wherever possible.

1.6 The Partnership has also

- Achieved Customer Service Excellence in July 2010 and maintained it in September 2011. They are the only Joint Service to do so and the only service delivering both Emergency Planning and Business Continuity.
- Adapted and extended the Warning and Informing approach for use within Barking and Dagenham and a number of other Boroughs
- Created a greater pool of Civil Contingencies trained responders than any other single organisation in London.

2. The Opportunity

- 2.1 One of the aims of the joint service was to explore the potential to expand the model to other London Boroughs, particularly those in North East London. Boroughs have been discussing opportunities through East London Solutions and as a result Havering expressed an interest in joining LBBB and Waltham Forest in a single Civil Contingencies Unit to meet the requirements of the Civil Contingencies Act in a more resilient and cost effective manner. However initially due to the number of senior managers in post it was not considered viable.
- 2.2 The current Civil Contingencies Joint Service Manager will be retiring in 2012, and this therefore presents an opportune moment to reconsider the possibility of extending the joint arrangements to include the London Borough of Havering, initially on a pilot basis.
- 2.3 The benefits as illustrated above at s1.5 would continue and would be extended by further economies of scale.

3. Proposal and Issues

- 3.1 The original partnership was initiated through a pilot which took place to enable an evaluation before formalising the joint arrangement between the two boroughs including TUPE transfer of staff. This enabled the benefits to commence whilst providing time to resolve particular issues and test compatibility. It is intended that the same approach is adopted for Havering to join the Partnership. An evaluation would then take place in December 2012 with a view to making a formal decision on whether to formalise the arrangement from April 2013.

4. The proposed pilot

- 4.1 The pilot if approved will be taken forward on the following basis.
- a. Staff will work together and cover each borough as appropriate.

- b. Each borough will undertake a gap analysis of civil contingency requirements. The boroughs will work together to fill the gaps and enabled trust and relationships to be built. The working together will include:
 - Using each others information where one had something the other did not
 - Undertake the preparation of plans together so these were a joint plan
- c. A proposal will then be built for a joint team which would be reviewed as part of the evaluation. Staff will remain employed with their existing employer however the staffing arrangements for a joint unit including consistent job profiles will be proposed. Shared resources in specialisms and support would also be piloted. Each borough remains individually responsible for resolving local accommodation and health/safety issues
- d. Joint team meetings will take place with the aim of some being virtual to avoid travelling. Communication facilities would be shared. ICT access arrangements already exist and an ICT facility is being developed in the existing Partnership for sharing documents and Havering can be party to this development.
- e. Local teams will be accommodated on each site. Each borough will maintain its own arrangements for Local Authority Liaison Officers and rest centre managers however if the partnership is formalised, the aim would be to review and align these to make further efficiencies.
- f. Each borough will maintain its own Borough Emergency Control Centre and uses each others as the secondary emergency control centre. There is access to back-up generation.
- g. All training will be done jointly which assists service officers in building relationships and resilience across specific services. The aim would also be that exercises would be planned jointly.
- h. Each borough will continue to have its own Resilience Board. The arrangements and priorities can differ although experience and reviews to date have shown that that the priorities are broadly the same namely:
 - Olympics
 - Flooding
 - Flu Pandemic
 - Business Continuity
- i. During the pilot, the service would be governed through a Havering Corporate Director joining the existing management board. Individual borough members' involvement and decision making would remain as it is at present. The eventual Partnership if formalised would have the formal Governance arrangements included within the Partnership Agreement.
- j. The three boroughs will send one representative to regional or sub regional meetings where possible

- k. Boroughs will still operate separate support teams for each Chief Executive when taking the London Gold role as they would want teams that are familiar with working together.
- l. Each borough would maintain its own running expenses and the managers will allocate expenses as appropriate.

5. Evaluating the Pilot

- 5.1 An evaluation would take place in December 2012. It is proposed that the evaluation would take place against the following criteria:
 - Improved Resilience
 - Financial savings including cost avoidance
 - Increased skill, capacity and capability
 - Fit for Purpose operating model and structure.
- 5.2 If the evaluation confirms a formal partnership, it will receive clearance from management teams and members of all authorities and any necessary staff consultation would be put into effect. The shared service would be built on the principles that:
 - Each borough would maintain an office on site, however during leave etc cover can be provided.
 - Secondary Borough Emergency Control Centres will be provided by using partner borough's facilities avoiding unnecessary holding of assets and space.
- 5.3 There would be a formal partnership agreement between all the boroughs built on the existing one between LBBD and Waltham Forest.

6. Options Appraisal

Option 1: Do Nothing

This would forego the benefits

Option 2: Immediate merger

Experience has shown that a pilot arrangement to assess compatibility has proved to be the most effective approach. In addition, there would be more complicated human resource implications to address and there is also the need to ensure adequate resource given the Olympics. Given the timing it is felt that a delay until after the Olympics is completed is the best choice.

Option 3: Proceed on a pilot basis

This option allows for the expected benefits to be tested before entering into a formal arrangement. Any challenges can be identified and addressed, and an opportunity to evaluate the pilot will ensure that the arrangement is only formalised if it meets the requirements of all three boroughs. This option is proposed in this report.

7. Consultation

- 7.1 Consultation has taken place with the Lead Member and through CMT, and Cabinet via consideration of this report.

8. Financial Implications

Implications reviewed by: Jo Moore, Finance Group Manager

- 8.1 Staffing level for the existing partnering arrangements comprise a Group Manager (Emergency Planning) and five members of staff. Under these arrangements staff are directly employed by LBBD although three members of staff are designated to Waltham Forest and therefore their costs are fully recharged to Waltham Forest together with 50% of the Group Manager costs.
- 8.2 The Group Manager role will be deleted for 2012/13 as a result of the Chief Executive's savings proposal. Havering currently has a manager and two staff members to cover emergency planning. The pilot will enable boroughs to agree if staff savings can be achieved as part of the formal arrangements. Once staff have been consolidated into a single unit there also will be an opportunity to examine the true service cost and agree any necessary changes in the level of funding contributions from each Authority.
- 8.3 In managing the service, account will be taken of the needs of both Authorities to reduce expenditure (possibly by eliminating duplication between authorities) and it is anticipated that the Council will also benefit from reduced costs associated with investigating any new streams of work. For example work resulting from the introduction of Government Legislation such as the Flood and Water Management Act 2010, the Civil Contingencies requirements of the Olympic Games and any developments from the East London Solutions project about partnership working with other North East London Boroughs. This is because any work will only have to be done once for all three authorities rather than individually carried out.
- 8.4 During the pilot, financial arrangements will be considered including the practicalities of the merger, arrangements for changing funding levels and the process for invoicing employees, supplies and services costs as and when necessary between the Authorities.
- 8.5 In summary, there are no immediate financial implications from the inclusion of Havering in the joint working arrangements as the funding will remain separate from the current arrangements with Waltham Forest. Once sufficient operational experience has been gained, there will be a further review of the service to examine both its operation and costs which may lead to additional benefits and savings arising (although unlikely to be significant).

9. Legal Implications

Implications reviewed by: Paul Field, Senior Lawyer

- 9.1 As has been described earlier in this report, the Council has various duties and obligations to discharge under the Civil Contingencies Act 2004. Each local authority in England and Wales also shares these same duties and obligations, along with other types of authorities such as the police authorities and the fire and rescue authorities.

- 9.2 While there is this duty, it can be discharged by another local authority or jointly as local authorities do have the power to invite another local authority to perform the duties on its behalf in relation to civil contingencies. This is by the general delegation of functions provisions contained in section 101 of the Local Government Act 1972, which allows a local authority to arrange for the discharge of any of their functions by another local authority. In addition the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 contain specific powers in relation to civil contingencies duties. Under Regulation 8, local authorities may
- (i) perform duties jointly with another authority; or
 - (ii) make arrangements with another authority for that authority to perform their duties

- 9.3 The proposals in the report are sound and provide the ability to undertake the pilot. Should a formal arrangement move forward, each borough will need to arrange for appropriate delegation arrangements as part of agreeing the final arrangements.

10. Other Implications

- 10.1 **Risk Management** - The Joint Service between LBBB and Waltham Forest has been operating since 1 April 2009 and no risks associated with the Joint Service have been identified.
- 10.2 **Crime and Disorder** - Section 17 of the Crime and Disorder Act places a duty on all Local Authorities to have regard to crime and disorder reduction and prevention in service planning and delivery. In some emergency situations some members of the community will take the opportunity for criminal activity or anti-social behaviour. The Emergency Duty Teams are tied into all emergency services, including the Metropolitan Police, having some access to Airwave Radio system and also the use of CCTV. Both services work to address the emergency and also deal with the activity of criminals or aftermath of any criminal activity at the same time.
- 10.3 **Human Resource Issues** - The proposed pilot to share services with Havering will be dealt with in the same way as the original pilot with Waltham Forest. At that time trade unions and staff from both boroughs were invited to attend a formal meeting. Staff not attending the formal meeting were kept in the picture and reported back no concerns as the proposal did not impact on staff numbers.

Currently management has been talking with staff about the proposed sharing of services and managers from both boroughs have updated staff at several ad-hoc meetings.

- 10.4 **Customer Impact** - The customer base for Civil Contingencies is wide ranging and covers 'Before', 'During' and 'After' a Major Incident. Customers therefore include internal council services; multi-agency Category 1 responders under the Civil Contingencies Act; internal response staff and volunteers; Councillors and other politically elected representatives; residents and community groups; businesses in the boroughs of all sizes as well as London-wide bodies involved in Civil Contingencies; and Government departments. The stabilisation of the team into one cohesive whole will provide greater resilience to ensure that customer needs can be met in a more cohesive and structured manner.

10.5 **Property / Asset Issues** - Under the Civil Contingencies Act there is a requirement for each local authority to develop a control centre from which an incident can be managed. The Act also requires that boroughs can continue to supply their services despite any major incident. This includes the command and control functions for the incident. This proposal means that instead of each borough providing and funding their own back-up control centre they will have available to them the control centre of the other borough.

Background Papers Used in the Preparation of the Report:

- The Civil Contingencies Act (2004)
- “Proposed Provision of a Shared Civil Contingencies Service for Barking and Dagenham and Waltham Forest” report and minute, Cabinet 2 November 2010 and Assembly 8 December 2010

List of appendices: None