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COMMITTEE: EXECUTIVE REF NO: E/09/72
DATE: 15 DECEMBER 2009
SUBJECT: COMMISSIONING EMERGENCY PLANNING SERVICE FROM SUFFOLK JOINT EMERGENCY PLANNING UNIT
PORTFOLIO HOLDER: COUNCILLOR P GREEN
DIRECTOR: RUSSELL WILLIAMS

Short description of report content and the decision requested:

This report considers the implications of entering into a legal agreement with the Suffolk Joint Emergency Planning Unit as part of the shared services review, to provide an enhanced level of specialist support to the council to ensure it continues to meet its statutory requirements under the Civil Contingencies Act 2004.

This report has been prepared by Terry Hayward, Jim Manning and Andy Osman (JEPU)

This report was prepared after consultation with:

Andy Osman (Head of Emergency Planning, Suffolk Joint Emergency Planning Unit, Terry Hayward (Head of Community Services) Unison, IBC DEPO, Jim Manning (Community Safety manager)

The following policies form a context to this report:

(all relevant policies must also be referred to in the body of the report)

This report is not a key decision included in the Forward Plan

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information –

OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

1. Suffolk Joint Emergency Planning Business Plan 2008-11
http://www.suffolkresilience.com/docs/pdf/jepu_business_plan.pdf

 2. Existing Legal Agreement for Suffolk Emergency Planning Partnership
http://www.suffolkresilience.com/docs/pdf/legal_agreement.pdf

1. Introduction

- 1.1 The Civil Contingencies Act 2004 places specific duties on the Council in relation to civil emergency preparedness and also how it works with other Suffolk responders to react effectively to emergencies.
- 1.2 In order to fund these new duties, the historic Civil Defence Grant was stopped in 2005 and replaced by an increase to the Revenue Support Grant (RSG). Within Ipswich the increase in RSG was ring fenced to the Emergency Planning budget and this arrangement has continued to ensure that expenditure levels are maintained at an appropriate level.
- 1.3 In light of the new civil preparedness duties being placed upon all Suffolk local authorities and the potential for each authority having to significantly increase resources to grow individual capacity, an agreement was reached in December 2005 to pool existing specialist staff and to grow a new Joint Emergency Planning Unit. IBC was not a party to that agreement
- 1.4 Since the introduction of the Civil Contingencies Act, the Council has maintained a dedicated Borough Emergency Planning Officer to support the discharge of the new duties. However, some skills gaps remain, such as Business Continuity, and no specialist cover is available when the officer is absent.
- 1.5 This report seeks authority to enter into an agreement with the Suffolk Joint Emergency Planning Unit to receive a specialist support service. The initial cost of this service is £57,100 plus any additional costs of the TUPE arrangements involved in transferring the existing IBC member of staff to the joint unit. This figure will be uplifted each year to reflect inflationary pressures and possible increased costs.
- 1.6 The Joint Emergency Planning Unit will increase the availability of specialist staff (up to 12) able to support the Council in discharging its Civil Contingencies duties and will also increase support during times of emergencies. The partnership will also provide access to existing services currently provided to all other Suffolk local authorities in relation to training, exercising, public information on emergencies and partnership working with other Suffolk responders.

2. Background

- 2.1 The Civil Contingencies Act 2004 came into effect in 2005 and requires many local public agencies, including all local authorities, to:
 - 2.1.1 Assess risks of natural and man-made hazards and input to a Community Risk Register.
 - 2.1.2 Develop Emergency Plans
 - 2.1.3 Develop and implement business continuity arrangements.
 - 2.1.4 Develop emergency preparedness information for the public to use.

- 2.1.5 Maintain systems for warning, informing and advising the public in the event of emergencies.
- 2.1.6 Co-operate and share information with other Suffolk responders, such as emergency services or local authorities.
- 2.1.7 Provide business continuity advice to local business and voluntary organisations
- 2.2 Prior to the introduction of the Civil Contingencies Act, the Suffolk Chief Executives Group discussed the potential implications for local authorities and agreed to take a partnership approach to leverage economies of scale by pooling existing emergency planning staff and jointly funding new staff.
- 2.3 Ipswich BC did not join the JEPU when it was originally set up, as the cost implications were higher than our expenditure at the time.
- 2.4 The new partnership was underwritten by a legal agreement (a copy of which is attached) and used the Local Authorities (Goods and Services) Act 1970 to form a new Suffolk Joint Emergency Planning Unit to provide an emergency planning and business continuity service to all councils within the partnership.
- 2.5 The Suffolk Joint Emergency Planning Unit formed on 1 December 2005 and comprises 12 staff that provide the following services:
 - 2.5.1 Develop and maintain Council Emergency Plans using a standardised template to improve inter-operability between authorities.
 - 2.5.2 Support service managers to develop business continuity arrangements.
 - 2.5.3 Provide a 24/7 Duty Officer to act as an initial point of contact with emergency services on behalf of local authorities. This officer also provides advice and support to existing council out of hour's staff and assist with the generation of any council's emergency response required to support the emergency services. (Ipswich BC uses the staff in the 24/7 Emergency Services Centre to undertake this work when an incident first arises).
 - 2.5.4 Support each council involved in an emergency by employing all unit resources to support local authority response activity at GOLD, SILVER, individual Council Operations Rooms and at the incident scene. The Council operates its own Operations Room to manage any incident response; this would continue under the new arrangement and would receive additional support through the JEPU).
 - 2.5.5 Providing standardised training for local authority members and officers using a combination of locally run courses and imported training from the Emergency Planning College.
 - 2.5.6 Running exercises for local authorities to test emergency response or business continuity arrangements.

2.5.7 Developing multi-agency contingency arrangements with local, regional and national agencies through the Suffolk Resilience Forum. Currently Ipswich BC has a seat on the Suffolk Resilience Forum as of right as a category one responder, which ensures that the Ipswich view is heard and acted upon. If we join the partnership this would change to use the existing representation through the agreed SCEG Chief Executive Officer for Civil Contingencies, currently Andrew Good

2.5.8 Providing regular reports on emergency preparedness performance and evidence gathering to support CAA and other audit requirements. Provide additional capabilities to councils using joint contracts for Emergency Feeding, Rest Centre Support by WRVS, AIRWAVE telecommunications, Temporary Mortuary facilities and Crisis Management Software.

Comment: from 1 Dec the JEPU no longer provides this function, instead this has been transferred to Suffolk CC in line with their proposed leadership role for flood risk management.

2.6 A Joint Emergency Planning Business Plan, agreed annually at SCEG, captures each council's objectives and priorities for emergency preparedness activities and guides the Suffolk Joint Emergency Planning Unit's work each year. The Unit works to a joint governance structure comprising officer and member representatives from all councils within the Emergency Planning partnership. The Suffolk Chief Executives Group is the agreed body to resolve disputes between councils in the partnership.

2.7 Suffolk County Council provides back office support (Human Resources, ICT and Finance) for the Unit and is the agreed employing authority for all staff. Any existing Emergency Planning staff are transferred under TUPE arrangements. However, any additional costs associated with the current employment over the agreed JEPU figure would still have to be paid by the Borough Council.

2.8 The Suffolk Joint Emergency Planning Unit has provided high performing emergency preparedness arrangements at low cost¹. Suffolk County Council emergency planning was deemed excellent in the Corporate Assessment of 2007.

3. Policy Context

3.1 The commissioning of a emergency preparedness & business continuity support service from the Suffolk Joint Emergency planning unit will contribute to the following goals and principles of Transforming Ipswich:

3.1.1 Safe Ipswich- Key Activity - Enhance emergency planning and business continuity arrangements.

3.1.2 Principles - 1. Value for money services.

¹ Benchmarking of County Council CPA Performance and Budget for CIPFA comparison authorities conducted February 2009.

2. We will consult and work in partnership with one-Ipswich, other organisations, business, as well as individuals, when making decisions and prioritising, to achieve cohesive service delivery.

4. Performance Monitoring

- 4.1 The existing Suffolk Joint Emergency Planning Business Plan includes performance management arrangements that provide quarterly reporting to each council of the authority's emergency planning and business continuity performance using Audit Commission Self Assessment Guidelines as a baseline.
- 4.2 Performance of the Joint Emergency Planning Unit service is monitored on a 6 monthly basis by a Senior Emergency Planning Officer's group who receive reports on joint budget, reserves and achievement of priorities set within the Business Plan. The community safety manager represents the Borough Council on this group as an observer but still has the opportunity to make points relevant to Ipswich. The IBC Portfolio Holder also attends the Councillor steering group with the community safety manager in support.
- 4.3 Operational concerns within each council are usually dealt with by dedicated District Emergency Planning Officers. The escalation route is to Head of Emergency Planning (JEPU) by the nominated Senior Emergency Planning Officer lead for the authority.

5. Risk Management

Risk	Impact of risk, if it occurred* (Scale of 1-4) 1 – Catastrophic 4 - Negligible	Probability of risk occurring* (Scale A-F) A- Very likely F - almost impossible	What is the council doing (or what has it done) to avoid the risk or reduce its effect?
Not meeting the Council's statutory duty under the Civil Contingencies Act 2004	2	C	The Council employs an Emergency Planning Officer to undertake the required work
An inability to call upon specialist emergency preparedness advice and support during emergencies (24/7) may continue to constrain the ability of officers and members to respond to emergencies.	2	C	The Council employs an Emergency Planning Officer to undertake the required work and is considering how best to increase the support to that post.
Costs of JEPU substantially increases	2	C	Budgets agreed by SCEG. One year notice period to step out of agreement.

*taking account of the proposed mitigation measures.

6. Environmental Impact Assessment

- 6.1 There are no direct environmental implications arising from this report. However, failure to effectively manage the consequences of emergencies from certain man made hazards may cause significant environmental impact.

7. Equalities and Diversity Implications

- 7.1 A screening review has been carried out and there are no equality and diversity implications arising from this report.

8. HR / Financial Considerations

- 8.1 The Council would be required to pay an annual contribution to the Suffolk Joint Emergency Planning Unit for services listed at para 2.4. The annual fee would include staff costs, training costs, certain common consumables (eg bedding packs or emergency clothing for Rest Centres) and costs for joint contracts to buy in certain capabilities needed during emergencies. Annual cost breakdown as follows:

Core cost (staff, training, common consumables & joint contracts) - £48,000.

AIRWAVE - Part of Joint Emergency Planning user licence - £1,600 (2 handsets held by the council and access to a further 18 to support emergencies)

- 8.2 The authority would need to retain some funding for specific activities unique to Ipswich. These include provision of a Borough Operations Room, a desk working space for a dedicated officer and any emergency resources provided by the authority that are only found in Ipswich.
- 8.3 If the current District Emergency Planning Officer transfers to the Joint Emergency Planning Unit, (TUPE) the difference between the generic cost (inc NI and Pension) for a District Emergency Planning Officer post (£40,490) and actual costs will need to be added to the agreed annual contribution while the officer continues to be employed in this role. Given that the current IBC grade reflects the more complex needs of Ipswich, it means that the current officer in Ipswich is paid more than the JEPU District Officers. IBC will therefore continue to pay the full salary of this officer, a difference of £7,500 a specific agreement between IBC and JEPU.
- 8.4 It has been calculated that the actual cost of joining the JEPU will be cost neutral. However, the Council would receive a greater workload capacity which if provided by IBC would cost many times this amount. Thus dealing with the demands of a growing area of work that current resources are not capable of keeping pace with.
- 8.5 The comments from the HR operations manager are:-

“You have noted the TUPE issues within the report and SCC would have to deal with any consequential Equal Pay matters should they arise. In respect of the timing of the proposed move, SSH is also due to be introduced on 1st April 2010 and there may be legal implications around this and TUPE in this case. Currently there is no certain case law about whether the DEPO would be able to claim that he was entitled to the "new" IBC SSH pay and terms and conditions following a TUPE transfer (rather than remain on pay and conditions which existed on his last day with IBC). A relevant case is in the process of being appealed.

It would be for SCC to offer any alternative pay/conditions which would take effect after the transfer and would need to be for an Economic, Technical or Organisational reason. If this transfer is approved we will need to go through the TUPE consultation process and ensure the necessary letters are issued”.

There is a slight possibility of being exposed to financial risk due to the uncertainty mentioned above.

8.6 The current IBC employee affected by this proposal has been consulted and is fully aware of its affects on his post.

8.7 Financial Table

	2010/11	2011/12	2012/13
	£	£	£
Additional costs :-			
JEPU Annual Fee (see 8.1)	48,000	48,000	48,000
Shortfall on Emergency Planning Officer Salary recharge (see 8.3)	7,500	7,500	7,500
Contribution to Airwave licence (see 8.1)	1,600	1,600	1,600
Total additional costs	57,100	57,100	57,100
Savings :-			
Emergency Officer Salary (inc oncosts)	47,990(cr)	47,990(cr)	47,990(cr)
Other identified costs (Training, Professional fees, Emergency equip, Administration)	9,390(cr)	9,390(cr)	9,390(cr)
Total savings identified	57,380(cr)	57,380(cr)	57,380(cr)
Net cost / saving (cr)	280(cr)	280(cr)	280(cr)
Band D equivalent	NIL	NIL	NIL

9. Conclusions

- 9.1 This proposal is being looked at as part of the review of services under the shared services agenda. The benefits of joining the JEPU are around increased capacity, and provides a highly effective solution to an area of increased work and resource needs on a cost neutral basis.
- 9.2 If Executive agree to the recommendation the Council will receive additional support for its emergency preparedness in a different way that improves / augments capacity.
- 9.3 Costs may increase in future which will have to be met if we enter a formal legal agreement. However this would be decided via the Suffolk Chief Executives group and therefore IBC would be able to influence any deliberations on finance.
- 9.4 The Community Safety Manager will maintain a close liaison with the activities of the JEPU and the District Emergency Planning Officer (DEPO) will work from a desk within the Community Safety section (as is the case at present).
- 9.5 IBC will retain its responsibilities under the Civil Contingencies Act.
- 9.6 IBC will need to devote additional resources in the event of an emergency as before.
- 9.7 At the time of the proposed change there will be appropriate briefings for Cllrs and officers to explain how arrangements will operate subsequently.
- 9.8 A copy of the Existing agreement for all other Suffolk Councils is attached as appendix 'A' – this will be modified to incorporate Ipswich under these proposals.

10. Recommendations:-

- 10.1 **That Executive Committee agrees the principle of entering an agreement with Suffolk Joint Emergency Planning Unit to provide specialist emergency planning and business continuity services to the authority from the 1st April 2010 and authorises the Head of Legal and Democratic Services in conjunction with the Head of Community Services and the Portfolio Holder for Community Safety to negotiate and enter into a suitable legal agreement.**

Reason: To ensure the authority continues to meet its statutory obligations under the Civil Contingencies act 2004 in an efficient manner and to increase the flexibility and capability of day-to-day support to officers and members in discharging such duties.