



Folkestone & Hythe District Council Major Emergency Plan 2023 - 2026

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Distribution list and location of document

This plan is published electronically. An up-to-date copy of this document is available via the Council's internal intranet or via Resilience Direct www.resilience.gov.uk/rdservice/.

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Purpose of the Plan

The purpose of this plan is to map out the organisation and management structure of Folkestone & Hythe District Council's response to a major emergency. It describes how the need for an emergency response is recognised and identifies the alerting and activation procedures.

The Major Emergency Plan is supported by a number of function plans that detail how specific responses are carried out e.g. Incident Liaison, Temporary Shelter and Homelessness and Contact Centre. It also provides an overview of other responder/multi agency plans or legislation that could have a bearing on the Council's response.

1. Introduction

From time to time emergencies occur which require special measures to be taken. Such events are defined under the Civil Contingencies Act 2004 as;

- “(a) an event or situation which threatens serious damage to human welfare in the United Kingdom or in a Part or region,
- (b) an event or situation which threatens serious damage to the environment of the United Kingdom or of a Part or region, or
- (c) war, or terrorism, which threatens serious damage to the security of the United Kingdom. “

Experience gained over the years has shown that an integrated approach to the planning for and response to major emergencies is the best way to ensure the total available resources of the organisations involved are utilised to the maximum benefit of those affected.

1.1 Aim and objectives

1.1.1 Aim

To provide up to date, appropriate and flexible arrangements that will enable the Council to respond to any disaster in the District and neighbouring areas in accordance with its statutory duty (see 1.2).

1.1.2 Objectives

- To define the Council's responsibilities in an emergency in accordance with the Civil Contingencies Act 2004 as Category 1 responders;
- To identify the current local multi agency Major Emergency response and recovery arrangements that could impact on the Council's Emergency Plans
- To identify current Local Authority partnership arrangements for Major Emergency response and recovery and describe how the Council will fulfil its agreed roles and responsibilities
- To define the Major Emergency alerting and activation process for the Council
- To describe the alerting and callout arrangements for responding staff

- To describe the management/organisation procedures for Major Emergency response and recovery
- To maintain in readiness a suitable, equipped District Emergency Centre (DEC)
- To identify the communications facilities for Major Emergency response
- To identify the arrangements for the processing of information during the response to a Major Emergency
- To outline the financial arrangements for a Major Emergency
- To identify the health, safety and welfare arrangements for a Major Emergency
- To describe the assessment procedures and provision of Mutual Aid
- To describe the current arrangements for the training of emergency response staff and the validation of emergency plans, including function and specific risk response plans.

1.2 The Civil Contingencies Act 2004

The Major Emergency Plan has been produced in compliance with the Civil Contingencies Act 2004. It sets out how Folkestone & Hythe District Council will activate and manage its corporate response to a major emergency that has the potential to impact on the Council's functions. It concentrates on the effects of a disaster and, wherever possible, builds upon day-to-day activities. A short guide to the Civil Contingencies Act can be found at Appendix 4.

As a category 1 responder the Act requires the Council:

- Assess local risks and use this to inform emergency planning
- Put in place emergency plans
- Put in place Business Continuity Management arrangements
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
- Share information with other local responders to enhance co-ordination
- Co-operate with other local responders to enhance co-ordination and efficiency, and
- Provide advice and assistance to businesses and voluntary organisations about business continuity management.

In support of the Act, regulations and guidance have been produced. The guidance is separated into 'Statutory' and Non Statutory' guidance.

- The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005
- Emergency Preparedness – Statutory guidance on Part 1 of the Civil Contingencies Act 2004, its associated regulations and non-statutory arrangements
- Emergency Response and Recovery – Non-statutory guidance to complement Emergency Preparedness

Relevant to this plan is the duty:

‘To maintain plans for the purpose of ensuring that if an emergency occurs or is likely to occur, the Council is able to perform its functions so far as it is necessary or desirable for the purpose of preventing the emergency, reducing, controlling or mitigating its effects; or taking other action in connection with it.’

The Act defines **functions** as ‘**any power or duty whether conferred by virtue of an enactment or otherwise**’. The Emergency Preparedness document further defines functions as covering ‘**statutory powers and duties as well as common law powers**’.

Folkestone & Hythe District Council functions are exercised within the statutory geographical boundaries of Folkestone & Hythe District. However, this does not prevent the Council from taking action when a disaster outside the District impacts or has the potential to have an impact within the District or upon its community. Neither will it prevent the Council from providing assistance to other responders in response to a major emergency under current mutual aid arrangements.

A reference to pertinent legislation can be found in Section 9.

1.3 Staff Health and Safety

Existing standards and requirements for health and safety at work will apply to major emergency responses by the Council. This includes risk assessments. However, due to urgency and the rapidly changing nature of major emergencies, it is likely that more reliance will be placed on dynamic risk assessment. Dynamic risk assessment is only acceptable where the potential for harm was not foreseeable. Awareness of hazards and their potential to cause harm will need to be addressed by all levels of response. It must be remembered that this is a continuous process.

It is important that managers and staff recognise when their limit of knowledge and understanding of the potential hazards has been reached and they will need to seek competent advice before proceeding with an activity. In a multi agency response environment the assessment and management of risk will need to be carried out on a multi agency basis.

Emergency planning contingencies and training will also need to include measures to manage risks.

1.4 Staff Welfare

Staff engaged in major emergency response may find the experience emotionally challenging. Exposure to traumatic sights or close contact with people who have just experienced or witnessed a traumatic event can be distressing.

Crisis management involving long working hours combined with intense activity that demands quick decision making is potentially stressful. Careful selection of staff for such roles can help to minimise any risk. Management awareness of those staff with personal links to individuals directly involved in the disaster or direct links to similar

events in the past should also form part of the criteria for responding personnel selection.

Managing shift lengths and rotation of staff, structured breaks with adequate refreshments and opportunities to engage in informal discussion with colleagues away from the “front line” can also help to minimise potentially damaging stress.

Regular team briefings and situation reports can engender confidence and help staff to feel they are part of a team that is in control. Participation in emergency response training and exercises will help staff to be better prepared to cope with a major emergency situation.

Staff should be made aware of the Council’s independent counselling service and how they can access it.

1.5 Interlinking Documentation

There are a number of multi agency Major Emergency response documents, published through the Kent Resilience Forum (KRF) that will impact upon the emergency response plans, including some function plans of Folkestone & Hythe District Council. Where appropriate these plans have integrated those elements relevant to FHDC.

Section 5 – Folkestone & Hythe District Council plans. This provides a summary of function plans that detail how specific emergency response activities will be undertaken by the Council.

Section 6 – Kent County Council Plans. A list of emergency plans produced and maintained by Kent County Council that may have a bearing on Folkestone & Hythe District Council’s response to specific situations.

Section 7 – KRF Multi-Agency Documents. A list and summary of those currently published. They may be relevant to Folkestone & Hythe District Council’s response during specific major emergencies.

Section 8 – Other Local, Regional & National Documents. A list and summary of those currently published. They may be relevant to Folkestone & Hythe District Council’s response during specific major emergencies.

Section 9 – Legislation. This is a list and summary of current legislation that will be pertinent to emergency planning and response at Folkestone & Hythe District Council.

2. Plan maintenance and review

2.1 Introduction

Emergency planning is at the heart of the civil protection duty on category 1 responders.

The chief requirement of the Act in regard to emergency planning is to maintain plans to ensure that, if an emergency occurs or is likely to occur, each category 1 responder body can deliver its functions so far as necessary or desirable for the purpose of preventing the emergency, reducing, controlling or mitigating its effects, or taking other action in connection with it.

The plan has been produced to enable FHDC, as a category 1 responder, to meet that duty.

2.2 Folkestone & Hythe District Council Major Emergency Plan

The scale and scope of activities arising from a Major Emergency are unpredictable and they have the potential to exceed the capacity of the normal day to day activities of the Council. It is therefore necessary to have flexible plans to co-ordinate the use of all Council resources plus any additional resources obtained by agreement with other organisations and to ensure they are appropriate, proportionate and allocated to where they will provide the maximum benefit to those affected.

There are also circumstances where there are known risks and, although it will not be possible to predict or prevent such incidents from occurring; their likely consequences are largely foreseeable. In these circumstances it is possible to have specific contingency plans in place to deal with them. Examples of foreseeable events for which specific plans have been made include: flooding, oil pollution of the coastline, hazardous substances washed ashore, nuclear accidents, animal disease outbreaks.

In addition there will be a number of disasters where the response will be the same and although they may vary in scale and detail, it is possible to plan some contingency arrangements. Media Response and the reception and care of uninjured survivors and those made homeless by a disaster are examples.

This plan includes a number of function plans. Wherever possible function plans will be allocated on the basis of the closest match to day-to-day functions. Function plans will be produced in conjunction with each nominated function team lead supported, as necessary, by the District Council Emergency Planning Co-ordinator.

The Folkestone & Hythe District Council Emergency Planning Co-ordinator will oversee the production, maintenance and review of the FHDC Major Emergency Plan.

3. Alerting, determination and activation

3.1 Overview

This section provides information on the arrangements in place for alerting, on a 24/7 basis, Folkestone & Hythe District Council to a Major Emergency with the potential to impact on its functions. It also provides guidance on the determination process for a Major Emergency affecting the Council and the procedures for activating the Council's Major Emergency response.

3.2 Alerting Procedure

Notification that a Major Emergency has occurred may be received from a number of sources. The information could come from “official” sources such as Kent Police, Kent County Council Emergencies and Resilience Unit or Kent Resilience Team. It is equally possible for the first notification to come from local or national media, a member of staff or a member of the public. See figure 1 alerting chart.

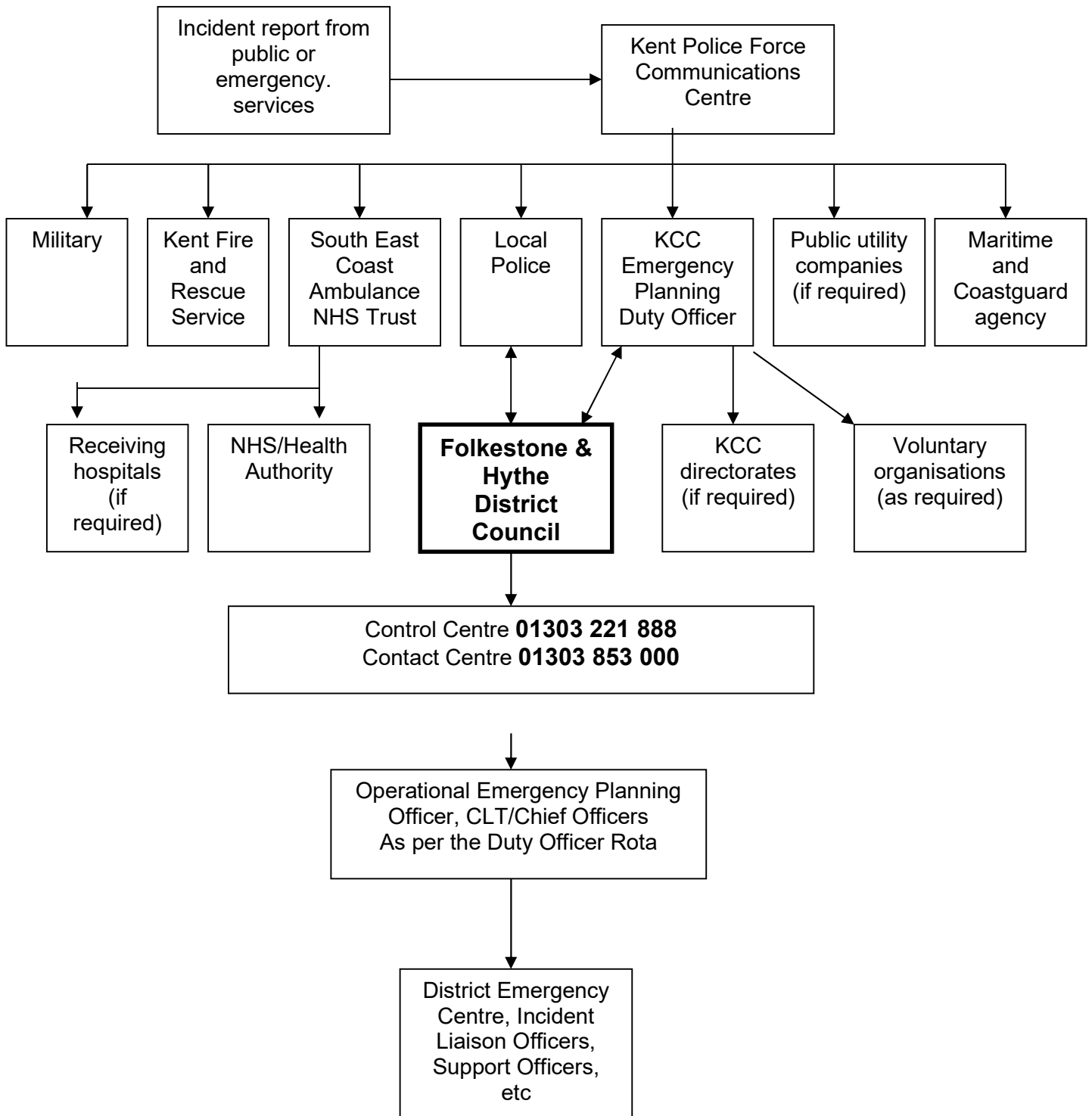
During normal working hours, notification of a potential Major Emergency will be directed to the FHDC Customer Services.

Outside working hours all telephone calls are directed to the Out of Hours Service provided by Lifeline365.

On receipt of information indicating the potential need for a Major Emergency response from the Council the Contact Centre/OOH Service will contact either the Chief Executive or the Director of Housing & Operations without delay.

To provide additional resilience other category 1 responders in Kent have been provided with the personal contact details of these officers.

Figure 1 – Formal Alerting Arrangements for a Major Emergency



Notes:

1. This chart shows a complete cascade notification process only.
2. Notification may be received formally or informally via a number of sources directly to the authority.
3. Once notification is received the Chief Executive must be immediately contacted with the details for the situation to be assessed.

3.3 Determination of an Emergency for Folkestone & Hythe District Council

On receiving an alert of a potential Major Emergency, the Emergency Planning Co-ordinator (i.e. the Chief Executive, Director – Housing & Operations,), will need to assess the information received. If the information has come from an informal source confirmation should be sought from the Police.

The Emergency Planning Co-ordinator must be satisfied that they have sufficient information for an accurate assessment of the potential impact on the Council and the proportionate initial level of response.

Actions the Co-ordinator may take include:

- Monitor the situation
- Deploy an Incident Liaison Officer to report on the situation
- Put appropriate staff on stand-by
- Activate specific Function Teams
- Activate a full Major Emergency response

In some cases it will be clear from the outset that a Major Emergency situation for the Council has occurred or is imminent. However, for some the level of information may not be sufficient for a determination to be made and it will be necessary to seek more information before a decision can be taken.

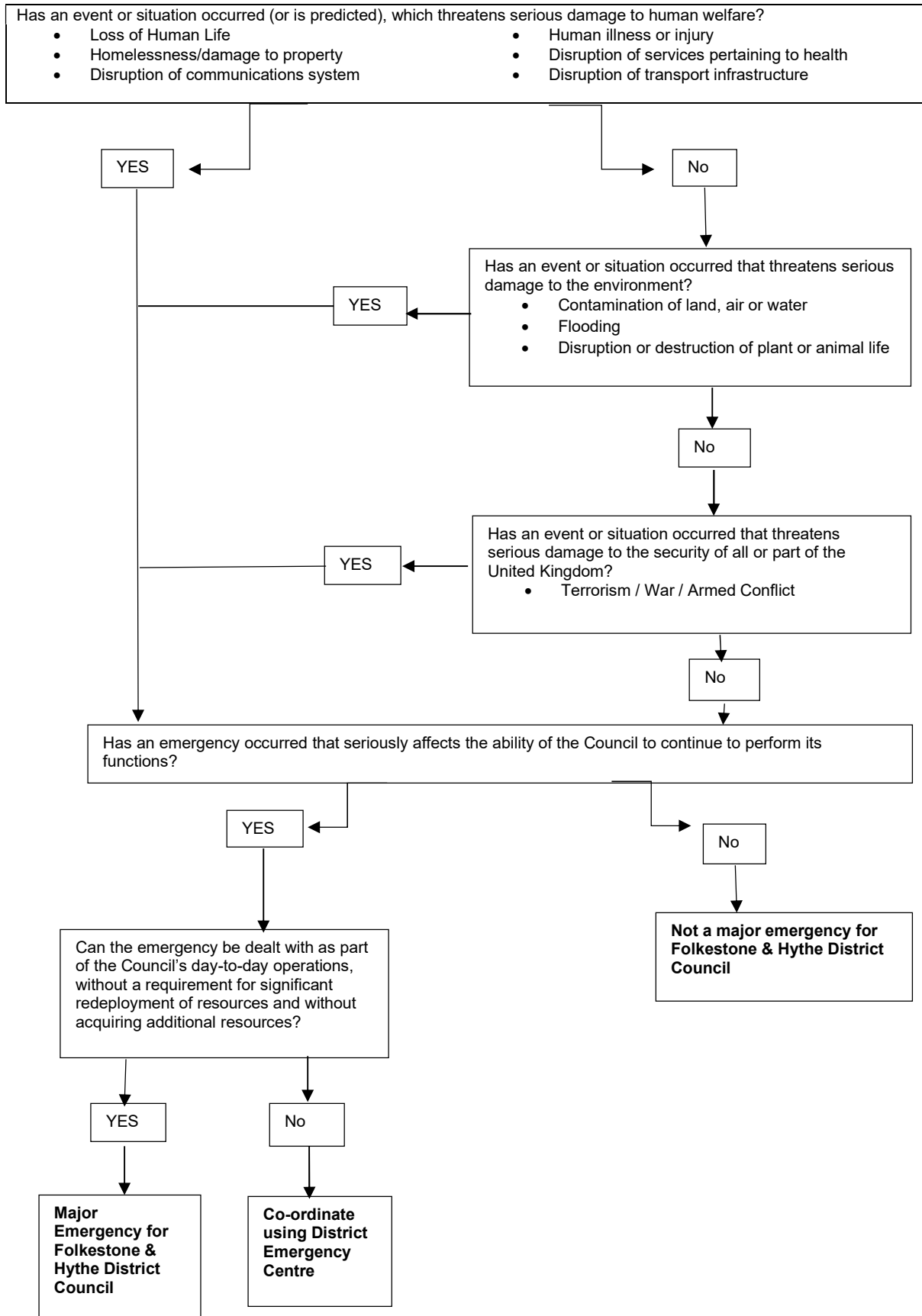
See Figure 2 – Determination Chart.

3.4 Activation

The Folkestone & Hythe District Council Major Emergency Plan will be activated when formal or informal information indicates that an emergency has occurred or is likely to occur within the administrative area of the Council and which has the potential to exceed the capacity to deal with effectively using normal day to day response arrangements.

The activation arrangements for the full plan include the setting up and running the District Emergency Centre. The arrangements for this are contained in the Emergency Centre Operations Plan.

Figure 2 – Determination Chart



4. Emergency Management Structure

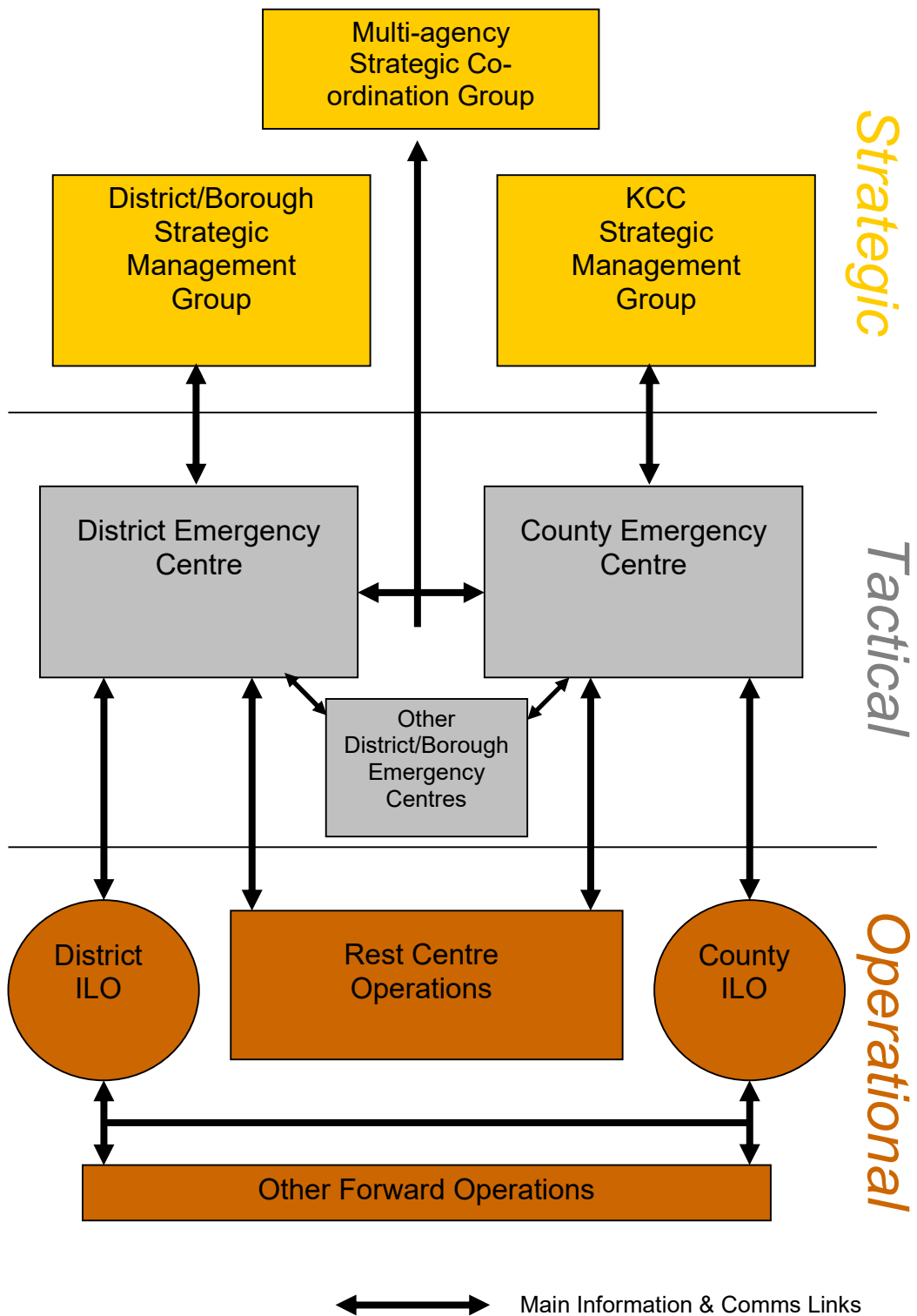
4.1 Introduction

A management system for a Major Emergency response is required to be highly reactive, capable of handling and recording large volumes of information and have the ability to operate seamlessly across all parts of the Council for long uninterrupted periods. It also needs to be capable of linking with the multi agency major emergency response arrangements that have been developed in conjunction with other responding agencies in Kent.

This section outlines the special arrangements that have been developed to enable Folkestone & Hythe District Council to co-ordinate its response to a Major Emergency affecting the Council's administrative area.

During the initial impact or response (saving/preserving of life, damage limitation, preservation of possible scene of crime) phase of a Major Emergency the Police will co-ordinate the multi agency response. The Council may be requested by the Police to provide assistance to the emergency services in the performance of their statutory functions.

Figure 3 – Multi Agency Communications Links Flow Chart



Notes:

1. This diagram reflects the comprehensive multi agency communication links that may be required for a Major Emergency. It illustrates the interaction between Local Authorities and a multi-agency Strategic Coordination Centre (SCG).
2. The structure may be partially set up depending on the size and scale of the event. It will also depend upon the size, scale and nature of the Local Authority input.
3. When an emergency is entirely within one District Council area, that Council will co-ordinate the Local Authority response. If the emergency affects more than one District Council area, or if the emergency is too big for the District Council to manage, then the lead District Council may ask KCC to undertake the co-ordinating role.

4.2 District Emergency Co-ordinator

The District Emergency Co-ordinator will be a Director. The District Emergency Co-ordinator will have overall responsibility for co-ordinating the Folkestone & Hythe District Council Major Emergency response, including the operation of the District Emergency Centre (DEC).

Within the DEC the District Emergency Co-ordinator will be assisted by an Emergency Activation Officer (EAO) and teams providing Management Information, Media Information and Support Services.

Function Emergency Response Team Leaders, supported by designated team members, will manage specific activities associated with the Council's Major Emergency response. Function Emergency Response Team Leaders are members of the Emergency Management Team (EMT).

The District Emergency Co-ordinator will lead the EMT who will be responsible to Corporate Leadership Team for the effective co-ordination of the Folkestone & Hythe District Council response to a Major Emergency.

4.3 Emergency Management Team (EMT)

The EMT will be made up, as appropriate, from Function Emergency Response Team Leaders, Management Information Officer, Support Services Officer, Activation Officer (if required) and, as determined by the Emergency Co-ordinator, representatives from other agencies contributing to the Folkestone & Hythe District Council response.

EMT will meet as directed by the District Emergency Co-ordinator.

4.4 Function Emergency Response Teams

Function Team Leaders, when alerted, will nominate/call out an adequate number of suitable officers to co-ordinate the activities associated with their assigned function plan(s). They will be responsible to the District Emergency Co-ordinator for the effective delivery of their functional plan. One member will lead each function team. This person will also be a member of the Emergency Management Team.

4.5 Emergency Activation Officer (EAO)

Because of the level of Major Emergency response training and equipment provided to EAO's, in addition to their role during initial assessment and activation, they are able to undertake the following functions:

- Incident Liaison Officer
- Assistant to the District Emergency Co-ordinator

4.6 Incident Liaison Officer (ILO)

If a disaster is concentrated on a single site, it may be necessary to provide an Incident Liaison Officer at the multi agency operational (Bronze) co-ordination group location to represent the Local Authority interests and respond to any request for assistance. The ILO will also provide a single co-ordination point for any Local Authority activities at the disaster site.

It should be noted that, if the access to a disaster site is difficult for the nominated officer in his/her own vehicle, the Grounds Maintenance vehicles should be considered for use as the Local Authority forward emergency co-ordination point.

If the disaster is of a scale that the emergency responders agree the need for the establishment of a multi agency tactical co-ordination group (Silver), there may be a request/need for Folkestone & Hythe District Council to be represented on this group. The ILO on this group will keep the District Emergency Centre informed of all those matters affecting FHDC's functional responsibilities, be the point of contact for Local Authority assistance to the statutory emergency services and represent the Council's interests.

4.7 Corporate Leadership Team (CLT)

CLT will maintain a strategic overview of all FHDC operations during a Major Emergency affecting its functions. This will include:

- The effectiveness of the Council's response to a disaster
- The impact of a disaster on the day to day functions of the Council
- The effectiveness of the FHDC Recovery Working Group, if activated
- The effectiveness of the Business Continuity Team, if activated
- The capacity of the Council to continue to provide its services and whether there is a need to redirect resources or seek additional resources to meet the level of demand
- Continuous assessment of priorities across all Council operations

CLT will provide strategic direction to all Council operational units affected by a disaster. They will also liaise with OMT and elected members regarding their support and guidance during a disaster affecting the Folkestone & Hythe district. They will co-ordinate the media response and the involvement of appropriate elected members.

4.8 Elected Members

Elected members may have a role within the Council's emergency response as a 'Community Champion'. They can provide a link between the Council and any affected ward, and may under the guidance of CLT and the Media Team assist with the Council's media response. Their community leadership role will be an important element of the Council's response, especially during any extended recovery period.

5 Folkestone & Hythe District Council Plans

A copy of all Folkestone & Hythe District Council function plans can be found electronically on Resilience Direct.

| No | Title | Owner | Summary |
|----|---|----------------------|--|
| 1 | Emergency Centre Operations | Emergency Planning | <ul style="list-style-type: none"> • Details the arrangements for the operation of the District Emergency Centre. • Describes the facilities and systems that will enable the Council to provide an integrated multi disciplinary emergency response. • Outlines the means to manage and record activities. • Identifies the planned resilience arrangements. • Describes communications capabilities and resilience. |
| 2 | Shelter and Homelessness Plan | Homeless Team Leader | <ul style="list-style-type: none"> • Details of the Council's arrangements for the provision of Rest Centres in Folkestone & Hythe. • Describes the administration for the provision of temporary accommodation and re-housing. |
| 3 | Rest Centre Directory | Emergency Planning | <ul style="list-style-type: none"> • Details of rest centres available across the District. |
| 4 | Media and Public Warning and Informing Plan | Media Team Leader | <ul style="list-style-type: none"> • Describes the special arrangements for all media operations and the provision of public information during a Major Emergency. • Details multi agency media handling protocols. |

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| 5 | Finance, Insurance and Legal Emergency Plan | Emergency Planning | <ul style="list-style-type: none"> • Describes the special financial arrangements for Major Emergencies. • Provides information on the provision of insurance and legal support to Council Officers engaged in the Major Emergency response. |
| 6 | Channel Sub-Group Oil Pollution and Chemical Spill Shoreline Response Plan | Engineering Manager | <ul style="list-style-type: none"> • Describes the arrangements for implementing FHDC's agreed responsibilities in the event of oil pollution and hazardous substances on the beaches in Folkestone & Hythe. • Compliments the national multi agency plan and the KCC Oil Pollution Scheme. |
| 7 | Flooding & Coastal Protection Statement | Engineering Manager | <ul style="list-style-type: none"> • Describes the arrangements for implementing FHDC's agreed responsibilities in the event of serious flooding within Folkestone & Hythe. • Compliments the multi-agency local area flood plan. |
| 8 | Fuel Shortage Guidance | Property Manager | <ul style="list-style-type: none"> • Maintaining supplies fuel to essential infrastructure in the event of disruption or potential disruption to services. |
| 9 | Environmental Health Plan | Environmental Health Team Leader | <ul style="list-style-type: none"> • Details the arrangements for the involvement of FHDC EHO's during a Major Emergency. |
| 10 | Human Resources Plan | HR | <ul style="list-style-type: none"> • Sets out procedures for HR at FHDC to respond in the event of an emergency occurring within the area. |
| 11 | Dangerous Structure, Building Control Plan | Building Control Team Leader | <ul style="list-style-type: none"> • Contains the arrangements for the provision and management of Building Control specialists in response to a Major |

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| | | | Emergency. |
| 12 | FHDC Business Continuity Plans | Emergency Planning | <ul style="list-style-type: none"> Contains the arrangements to ensure that the Council's critical services remain 'business as usual' in an incident. |
| 13 | Emergency Response Officer Handbook | Emergency Planning | <ul style="list-style-type: none"> The operational handbook for ERO's. Describes the role of the ERO. Provides instructions and guidance for staff taking on that role. |
| 14 | Incident Liaison Officer Handbook | Emergency Planning | <ul style="list-style-type: none"> The operational handbook for all officers undertaking ILO duties on behalf of FHDC. |
| 15 | Resilient Communications Plan | Emergency Planning | <ul style="list-style-type: none"> Describes the range of equipment that underpins resilient communications between all levels of the Council's response. Details integration with the broader multi-agency communication capability, as well as providing details on all communication protocols, including language disciplines and equipment usage procedures. |
| 16 | FHDC Emergency Contacts Directory | Emergency Planning | <ul style="list-style-type: none"> Telephone contacts for other responders during a Major Emergency. |

7 Kent Resilience Forum (KRF) multi-agency documents

Copies of KRF documents may be obtained from Resilience Direct or via the Kent Resilience Team.

| Title | Summary |
|---|--|
| Public Community Risk Register 2022 | The Public Community Risk Register provides an assessment of the most significant emergencies which the LRA and its citizens could face. It is designed to use the information contained in the National Risk Register to inform, identify and assess those applicable in the Kent LRA. |
| Pan Kent Strategic Emergency Response Framework | The purpose of this framework is to set out how members of the KRF work together to provide a strategic response in an emergency. It also contains the key strategic statements which will be common to all Major Emergency Plans and summary information about common issues. It does not provide detailed procedures, as these should form part of individual emergency plans within each responding organisation. |
| Science & Technical Advice Cell (STAC) Plan | The STAC Plan is a multi-agency plan that sets out the procedure for activating STAC in Kent and describes the roles and responsibilities of the members. The establishment of a STAC brings together technical experts from those agencies involved in the response and who may provide scientific and technical advice to responders. |
| Pan Kent Multi-Agency Flood Plan | The purpose of this plan is to set out the principles that govern the multi agency response to significant flooding in the LRA. Although its focus is primarily on tidal and fluvial flooding, the procedures will also be relevant for pluvial (surface water) flooding caused by excessive rainfall. |
| KRF Humanitarian Assistance Centre Plan | This plan describes the multi agency arrangements in the Kent LRA for the establishment of Humanitarian Centres. It has been based on guidance issued by the Cabinet Office – Humanitarian Assistance in Emergencies; non-statutory guidance on establishing Humanitarian Assistance Centres. |
| Kent Mass Fatality Plan | This plan provides guidance on the additional arrangements that will be needed in the event of the normal arrangements for dealing with the deceased becoming overloaded. It describes the options available to the responsible organisations, together with the management structures that will be necessary as part of the overall response to an incident. |

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| KRF Identifying and Supporting Vulnerable People in an Emergency Plan | Identifying vulnerable people in an emergency. This plan describes the multi agency arrangements for identifying vulnerable people during an emergency. The process enables all agencies to retain their own style of plan preparation while working to a common LRF wide format. |
| Kent Resilience Forum Pandemic Influenza Plan | This document provides the backbone for influenza pandemic preparedness and response in the Kent LRA. It provides information and guidance specific to a flu pandemic. |
| Mass Fatality Plan | This plan provides information on the potential pressures that would result from the estimated increase in the number of deaths during a major pandemic flu outbreak in the Kent LRF area. It identifies the capacity of the Local Authorities, registrars, funeral directors, crematoria, cemeteries and hospital mortuaries. |
| KRF Information Sharing Protocol Plan | The protocol outlines the agreed principles for the exchange of information amongst Category 1 and Category 2 partners, both centrally and locally. |
| KRF Pan Kent Emergency Recovery Framework | The framework has been developed to aid responders within the Kent LRA when preparing the recovery plans for their organisation. |
| KRF Media & Comms Plan | This plan set out options for resilient communications facilities that can enable responder organisations to communicate with the public, each other and local partners when normal telecommunications provision is unavailable. |
| KRF Drought Plan | The aim of this document is to outline procedures for a multi agency response to an emergency drought. |
| KRF Incident and Exercise Debrief Protocol | The purpose of this protocol is to set out how the KRF members work together to review the actions taken and decisions made following an emergency which may have had a significant impact on communities in the Kent LRA or following a multi agency exercise. |
| KRF Fuel Disruption Framework | This document details a general overview of actions and arrangements and provides the overarching document from which KRF partner agencies may respond under the <i>NEP-F</i> . The plan also sets out the mechanisms for information sharing and horizon scanning before disruption occurs and arrangements and tactical options in the event a fuel emergency is declared. |
| KRF Evacuation & Shelter Plan | The purpose of this plan is to ensure an appropriate level of preparedness to enable an effective multiagency response to emergencies which require evacuation and temporary shelter ranging from a small to a large number of people, which will later be quantified as Tier 1 to Tier 4 events. It includes reference to support for disaster response in other authority areas. |
| KRF Severe Weather | The purpose of this framework is to set out the principles by |

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| Framework | which the Kent Resilience Forum and its members will communicate and react in the stages leading up to, and in some part during, a severe weather event, or possible severe weather event. This will include the activation and operation of the Severe Weather Advisory Group and the use of separate plans and frameworks for Drought, Flood, Low Temperatures and Heavy Snow, Storms and Gales and Heat wave situations. |
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8 Other Local, Regional and National documents

| Name | Owner & Location | Summary |
|---|---|---|
| Provision of Emergency Customer Welfare on Motorways and all purpose Trunk Roads | Highways Agency www.highways.gov.uk | This document describes the Highways Agency arrangements for the provision of emergency customer welfare support to motorists stranded on the road network. |
| National Contingency Plan for Marine Pollution from Shipping and Offshore Installations (NCP) | Maritime & Coastguard Agency https://www.gov.uk/government/publications/national-contingency-planncp | This multi agency plan provides information on the arrangements for the co-ordination of a national response to a major marine pollution incident. It describes both the at sea and shoreline response. |
| Network Rail – National Emergency Plan | Network Rail Resilience Direct | This plan describes the arrangements in place to provide an effective response to accidents, incidents and other emergencies on or affecting Network Rail controlled infrastructure. |
| NHS South East | SE Regional Resilience Forum | This framework provides |

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| England Mass Casualties Framework | Resilience Direct | guidance and direction to assist all multi agency responders across the South East of England in the planning and response required for a mass casualties event, that may result in patient numbers well in excess of those used in previous planning arrangements and are beyond the normal capacity that is created by the activation of major incident plans. |
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| National Risk Register | Cabinet Office www.gov.uk | The register provides a national assessment of the most significant emergencies which the UK and its citizens could face over the next five years summarised into three categories. It has been designed to compliment Community Risk Registers. |
| National Emergency Plan – Fuel (NEP-F) | Cabinet Office www.gov.uk | A plan that identifies how the resources of the downstream oil industry and the Government can be utilised in an emergency. It identifies the command structure and teams available to provide leadership and industry knowledge to enable the Government to select and use appropriate emergency |

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| | | response tools to manage any significant disruption to oil supplies in the UK market. |
| Contingency Plan for Exotic Notifiable Disease of Animals. | DEFRA https://www.gov.uk/government/publications/contingency-plan-for-exotic-notifiable-diseases-of-animals-in-england | A plan that focuses on the arrangements for management and coordination, detailed information on policies and disease control strategies relating to control and eradication of exotic notifiable animal diseases. |
| Central Govt Arrangements for Responding to an Emergency Concept of Operations (CONOPS) | Cabinet Office www.gov.uk | A paper that sets out the arrangements for the response to an emergency requiring co-ordinated UK central government action. It describes how the UK central government response will be organised and the relationship between the |

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| | | central, regional and local tiers in England. |
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| Civil Protection Lexicon – A developing single point of reference for UK Civil Protection Terminology | <p>Cabinet Office</p> <p>https://www.gov.uk/government/publications/emergency-responder-interoperability-lexicon#:~:text=Lexicon%20of%20UK%20Civil%20Protection%20Terminology,-Version%202.1.&text=A%20lexicon%20is%20a%20collection,agency%20business%20of%20civil%20protection.</p> | <p>A single point of reference for agreed common terminology used in the UK Civil Protection. It has been produced to avoid potentially serious misunderstandings, the consequences of which could be extremely serious.</p> |
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9 Legislation

| Act | Summary |
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| Local Government Act 1972 | The provision of Section 138 of the Local Government Act 1972 (as amended by Section 156 of the Local Government and Housing Act 1989) gives local authorities the power to incur expenditure to ‘ apprehend, alleviate or eradicate ’ the effects of a disaster outside the normal budgetary process. |
| Housing Act 1996 | The provisions of the Housing Act 1996 (Part 7 – Homelessness) provides information relating to the Council’s duty to provide accommodation for persons who are made homeless as a result of an emergency. |
| Public Health (Control of Disease) Act 1984 – part 2 (as amended by the Health and Social Care Act 2008 – part 3) | The provisions of this Act relate to the powers of the District Council, both as a Local Authority and as a Port Health Authority in relation to the control of infectious diseases and contamination (chemical or radioactive) of people. |
| Children Act 1989 | The provisions of the Children Act 1989 (Part 3, Section 20 – Provision of Accommodation for Children – General) provides information relating to the County Council’s duty to provide accommodation for vulnerable children. |

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| National Assistance Act 1948 | The provisions of the National Assistance Act 1948 (Part 3 – section 29) provides information relating to the County Council’s duty to make arrangements regarding the welfare of certain categories of vulnerable persons over the age of eighteen. This can include the provision of suitable accommodation. |
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10 Recovery

10.1 Overview

Recovery is the process of restoring and rebuilding the community in the aftermath of a disaster. This process can be started at any point within the response phase, but gains prominence once the immediate response has been completed.

Although recovery is a multi-agency activity, Local Authorities (KCC/FHDC) will normally lead recovery co-ordination. Many aspects of recovery have to be considered from the physical rebuilding of the affected area to the welfare needs of its residents and the financial implications for affected businesses and the Councils themselves (see Pan Kent Emergency Recovery Framework).

11 Community Leadership

11.1 The Response Phase

During any Major Emergency where the community has been adversely affected there will be a need for community leadership.

It is important that senior officers and Members adopt a leadership role during a Major Emergency affecting their local community. The Leader of the Council, Cabinet Members, Chief Executive and/or members of CLT are made available to the media and public to act in this capacity. Those undertaking this role will need to be fully briefed by the District Emergency Co-ordinator and media team and be prepared to respond to questions at press conferences and interviews. Policy on public information will, if activated, be available from the Strategic Coordination Group and disseminated to all responding agency media teams. It is important that multi agency agreement is agreed and adopted for the response thus providing a cohesive approach to community information messages.

It is recommended that condolence messages and support for the work of the emergency services and reassurances that all possible is being done are included where applicable. Policy decisions and speculation on cause or outcome should be avoided.

11.2 The Recovery Phase

Following a Major Emergency, the District Council or Kent County Council is likely to lead on multi agency recovery working (see section 10). It is possible that a community liaison group will be formed using representatives from local communities around the affected area. They will be able to provide local views that can be taken into account when decisions and priorities are determined. To ensure that any place shaping activity is fully inclusive, it will be essential for local members whose area was affected by the emergency to be engaged in this process as community leaders.

More information and guidance on how this can operate are included in section 10.

11.3 Town and Parish Councils

Each Town and Parish Council should have their own Community Resilience Plan. By having a Plan in place it should increase the readiness and resilience within the local community in the event of an emergency. The community groups will be able to provide support to themselves and to statutory agencies in the case of an emergency.

12 Training and Exercising

12.1 Training – Overview

The Civil Contingencies Act 2004 requires that the Major Emergency Plans of category 1 responders include a provision for the training of an appropriate member of staff who have been identified in plans along with other persons whom the responder considers necessary.

Although personnel will be assigned roles in the emergency plans that take advantage of their skills, knowledge and expertise they use as part of their day to day work, there is a need for all staff identified in the emergency plan to undertake general awareness training that will give them a basic background knowledge of the principles of emergency response, the multi agency major emergency response organisation in Kent and how their role fits into the overall response.

Emergency Response, Recovery and Business Continuity training is necessary to ensure that Folkestone & Hythe District Council is confident and capable of carrying out required tasks and actions when an emergency occurs. A suitable schedule of training activities will be developed for Folkestone & Hythe District Council staff. This schedule should include in-house training, training provided by the KCC Emergency Planning Unit, training provided by the Emergency Planning College and other outsources training as required.

All Council Staff involved in responding to a Major Emergency situation need training corresponding to their responsibilities. Participation in joint, multi-agency, training events should be encouraged.

The KCC Resilience and Emergences Unit offers training activities on rest centres, Emergency Control Centre Operations, COMAH sites, Pipelines and REPPIR. This training is multi-agency in its approach. It may be complemented by local District or County Council training as required.

Training will be provided to those with specific roles within the emergency plan, such as the DEC Support Team, Function Teams, Emergency Activation Officers, Liaison Officers and Rest Centre Teams, etc. Refresher training will also be available as required.

12.2 Exercises - Overview

The Civil Contingencies Act 2004 requires emergency plans to include provision for the validation of emergency plans. It is important that, when emergency plans have been produced and appropriate staff have been trained in their roles, the plans are tested under exercise conditions. Exercises may test the entire plan or simply one or more elements of the plan, however periodically the entire plan will need to be tested.

Depending on the plan/arrangements being tested, exercises can be held locally by Folkestone & Hythe District Council staff in conjunction with local emergency service responders, on a multi-district or pan-Kent basis or as part of a regional or national exercise.

Exercises allow staff to practice their skills in a simulated emergency environment, and give them the opportunity to meet and exercise alongside other responder agencies in an integrated multi-agency response environment.

There are different types of exercise that range from discussion based through to live real-time exercises. They can be designed for a single organisation or be multi-agency. The type of exercise depends on what part of the plan is to be validated, and the skill and knowledge-base of the participants.

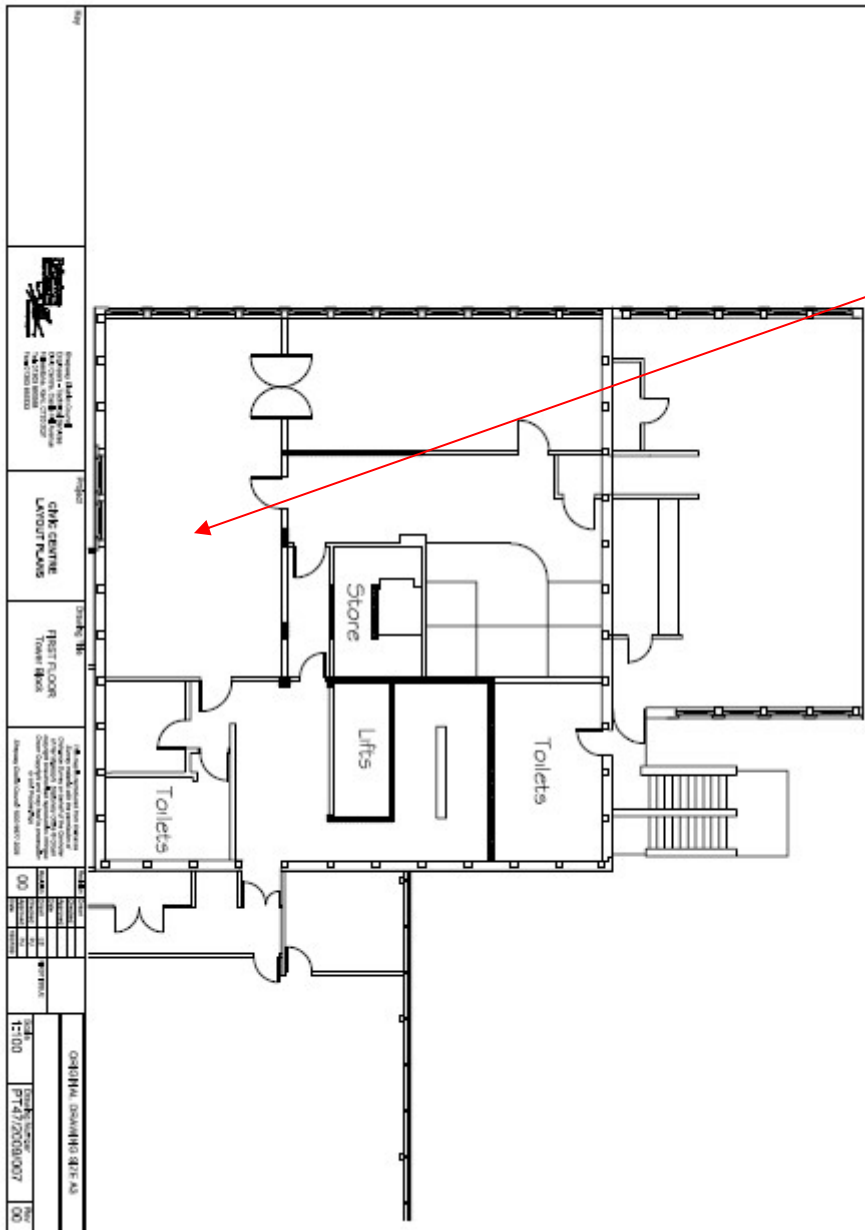
As with incident debriefing, exercise planning will need to include arrangements to debrief those involved as this will assist in the plan validation process. Lessons learned during exercises can be invaluable to those who will provide the response to disasters.

It is the general policy of Folkestone & Hythe District Council that all Major Emergency Plans are exercised, in whole or part, on a regular basis, and any learning incorporated into a revised plan. The Council will encourage staff to participate in exercises, and invite the participation of other responders. Exercises can also be designated to include cross-border scenarios to practice both mutual aid agreements and integrated multi-agency response arrangements.

Appendix 1: Folkestone & Hythe District Council offices location map



Appendix 2 – District Emergency Centre Location



Boulogne Room – District
Emergency Centre

Appendix 3

Joint agreement between the Local Authorities of Kent for the provision of mutual aid and assistance in the event of emergencies.

THIS AGREEMENT is made the _____ day of _____ 2006
BETWEEN the local authorities whose names and addresses are listed in schedule 1
hereto (hereinafter referred to as 'the Local Authorities')

WHEREAS

- (1) The parties hereto are desirous of providing to each other mutual aid and assistance when called upon to do so in the event of a major civil emergency or in circumstances at the discretion of each party
- (2) The parties hereto are desirous of formalising as far as may be practicable arrangements for the requesting and giving of such mutual aid and assistance and have agreed to enter into this agreement in order to govern such arrangements

NOW THIS AGREEMENT WITNESSES AS FOLLOWS

1. **AGREEMENT TO PROVIDE ASSISTANCE**
The Local Authorities **HEREBY AGREE** in consideration of these presents to provide aid and assistance to each other in the event of the situations envisaged in Schedule 2 hereto arising
2. **REQUEST FOR SUCH ASSISTANCE**
Such aid and assistance shall be requested initially on an informal basis by means of direct verbal telephonic fax or written request from the Head of Paid Service of any party or officer acting on his or her behalf but in any event shall be followed within 24 hours of such request by formal confirmation in writing from the requesting party acknowledging that the aid and assistance sought is governed by the terms of this agreement.
3. **THE AID AND ASSISTANCE SOUGHT**
The aid and assistance so sought shall include, inter alia, the matters set out in Schedule 3 hereof though such is not limited to the matters set out therein nor is such to be considered restrictive or exhaustive
4. **COSTS**
 - 4.1 All costs incurred by any party including VAT or any other tax or statutory imposition in providing the aid and assistance envisaged by this agreement are to be met in full by the party requesting such aid and assistance
 - 4.2 Evidence of such costs so incurred shall be supplied by the providing party in the form of a detailed account to be submitted within three months of the aid and assistance having been given or supplied and such account shall be paid by the receiving party within 28 days of its receipt
 - 4.3 In the event of additional grant being requested from Central Government by any party under the 'Belwin Scheme' (S.155 Local Government and Housing Act 1989) each party will provide to each other all assistance evidence and information necessary to support such application at its own expense
5. **LOAN OF PERSONNEL**

- 5.1 In the event of personnel being loaned or seconded by any one party (the loaning party) to another such personnel with at all times remain employees of the loaning party
- 5.2 The party to whom such personnel are loaned or seconded shall be responsible however for the payment to the loaning party of all salary (including pension payments, income tax, national insurance, etc) and any other additional costs and expenses incurred as a direct result of the loan or secondment of such personnel
6. **INSURANCE**
Each party shall be responsible for providing adequate public and employers' liability insurance in respect of such personnel and their actions during the period any such personnel are loaned or seconded to them
7. **PROVISION OF ASSISTANCE IS VOLUNTARY**
Each party acknowledges that this agreement and the requirements herein are entirely voluntary and that no party is under any obligation to another to provide aid and assistance where and if called upon to do so but that each party will use all reasonable endeavours (subject to the performance of its own statutory duties and functions) to respond to such request and provide the aid and assistance requested and once such is agreed to be given then the provisions of this agreement shall prevail
8. **NO PARTNERSHIP OR AGENCY**
Nothing in this agreement shall be deemed to constitute a partnership between the parties nor constitute any party the agent of any other party
9. **INDEMNITY**
Each party agrees with each other throughout the continuance of this agreement to indemnify and keep indemnified each other from and against any and all loss damage or liability whether criminal or civil suffered in the course of providing aid and assistance under the provision herein
10. **DURATION OF AGREEMENT**
This agreement shall subsist for an initial period of 3 months from the date hereof but thereafter shall continue from year to year.
11. **ARBITRATION**
In the unlikely event of any dispute under or arising out of this agreement such shall be referred to a single arbitrator in accordance with the provisions of the Arbitration Act 1996.
12. **ENGLISH LAW GOVERNS**
The validity construction and performance of this agreement shall be governed by English Law
13. **NOTICES**
Any notice given pursuant to this agreement shall be in writing and shall be sufficiently given to any party if given by hand or sent in a letter by first class prepaid post addressed to the Head of Paid Service of that party at the address of that party set out in schedule 1 (or any alternative address notified by that party in accordance with this clause) and any notice so given shall be deemed to be delivered (unless the contrary is proved) at the time at which the letter would be delivered in the ordinary course of post
14. **INTERPRETATION**
- 14.1 Reference to any statute or statutory provision includes a reference to:
(a) that statute or statutory provision as from time to time amended, extended, re-enacted or consolidated; and

- (b) all statutory instruments or orders made pursuant to it
- 14.2 Words denoting the singular number only shall include the plural and vice-versa
- 14.3 Unless the context otherwise requires reference to any clause, sub-clause or schedule is to a clause, sub-clause or schedule (as the case may be) of or to this agreement
- 14.4 The headings in this document are inserted for convenience only and shall not affect the construction or interpretation of this agreement
15. **FORCE MAJEURE**
No party shall be liable for any failure or delay in performance of this agreement which is caused by circumstances beyond the reasonable control of a party including without limitation any labour disputes between a party and its employees
16. **CONFIDENTIALITY**
The parties here to will at all times keep confidential information acquired in consequence of this agreement, except for information which they may be entitled or bound to disclose under compulsion of law or where requested by regulatory agencies or to their professional advisers where necessary for the performance of their professional services.
17. **INTELLECTUAL PROPERTY**
The parties hereto agree with each other not to cause or permit anything which may damage or endanger the intellectual property of each party nor each parties title to such intellectual property nor to assist or allow others to do so
18. **REVOCATION OF PREVIOUS MUTUAL AID AGREEMENTS**
Any previous similar agreement shall be deemed to be revoked when all the parties to that previous agreement sign this agreement.

SCHEDULE 1 (Preamble hereof)

The Local Authorities

Ashford Borough Council, The Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL

Canterbury City Council, Council Offices, Military Road, Canterbury, Kent, CT1 1YW

Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR

Dover District Council, Council Offices, White Cliffs Business Park, Dover, Kent, CT16 3PJ

Gravesham Borough Council, Civic Centre, Gravesend, Kent, DA12 1AU

Kent County Council, Sessions House, County Hall, Maidstone, Kent, ME14 1XQ

Maidstone Borough Council, London House, 5-11 London Road, Maidstone, Kent, ME16 8HR

Medway Council, Civic Centre, Rochester

Sevenoaks District Council, Council Offices, Argyle Road, Sevenoaks, Kent, TN13 1HG

Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY

Swale Borough Council, Council Offices, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Thanet District Council, Council Offices, PO Box 9, Margate, Kent, CT9 1XZ

Tonbridge & Malling Borough Council, Council Offices, Gibson Drive, Kings Hill, West Malling, Kent, ME19 6LZ

Tunbridge Wells Borough Council, Town Hall, Tunbridge Wells, Kent, TN1 1RS

SCHEDULE 2 (Clause 1 hereof)**Situations calling for the request of mutual aid and assistance**

1. Major civil emergency being a situation arising with or without warning causing or threatening to cause death injury or serious disruption to normal life for numbers of people in excess of those which can be dealt with by the public services operating under normal conditions and requiring the special mobilisation and organisation of those services.
2. All other situations whereby any party at its discretion requires aid and assistance.

SCHEDULE 3 (Clause 3 hereof)**Provision of mutual aid and assistance**

The aim of the agreement is to provide mutual aid between the parties herein for the provision, so far as may be practicable of certain resources and professional expertise in the event of any one or more of the situations described in schedules 1 hereof. This may include provision of:

- (a) Environmental Health Officers
- (b) Engineers
- (c) Building Control Officers/Structural Engineers
- (d) Persons to assist with media and public relation matters
- (e) Persons to provide support in the Emergency Centre of participating parties
- (f) Assistance with persons made homeless as a result of an emergency. (This may cover provision of premises for use as Rest Centres, together with housing advice, and provision of longer term accommodation)
- (g) Use of contractors
- (h) All other advice and assistance which any party at its discretion may require

AS WITNESS the duly authorised officers of the parties hereto have signed this agreement on the date

Hereof

| | |
|---|-----------------|
| Signed on behalf of Ashford Borough Council | Duly Authorised |
| Signed on behalf of Canterbury City Council | Duly Authorised |
| Signed on behalf of Dartford Borough Council | Duly Authorised |
| Signed on behalf of Dover District Council | Duly Authorised |
| Signed on behalf of Gravesham Borough Council | Duly Authorised |
| Signed on behalf of Kent County Council | Duly Authorised |
| Signed on behalf of Maidstone Borough Council | Duly Authorised |
| Signed on behalf of Medway Council | Duly Authorised |
| Signed on behalf of Sevenoaks District Council | Duly Authorised |
| Signed on behalf of Shepway District Council | Duly Authorised |
| Signed on behalf of Swale Borough Council | Duly Authorised |
| Signed on behalf of Thanet District Council | Duly Authorised |
| Signed on behalf of Tonbridge & Malling Borough Council | Duly Authorised |
| Signed on behalf of Tunbridge Wells Borough Council | Duly Authorised |

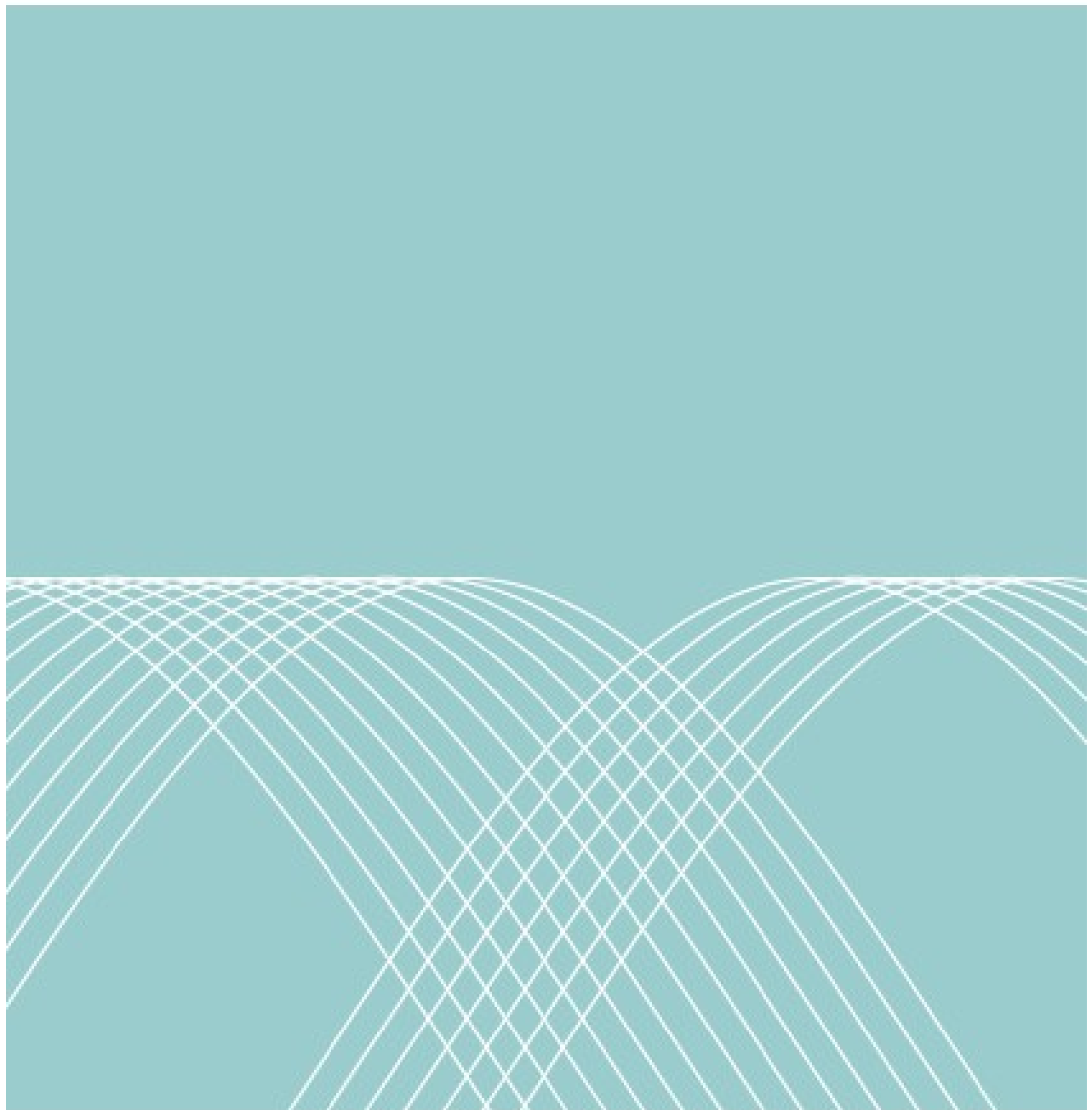
Appendix 4

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Civil Contingencies Secretariat

Civil Contingencies Act 2004: a short guide (revised)





Background

Following the fuel crisis and the severe flooding in the autumn and winter of 2000 and the outbreak of Foot and Mouth Disease in 2001, the Deputy Prime Minister announced a review of emergency planning arrangements. The review included a public consultation exercise which reinforced the Government's conclusion that existing legislation no longer provided an adequate framework for modern civil protection efforts and that new legislation was needed.

Following public consultation on a draft Bill from June to September 2003 and pre-legislative scrutiny by a Joint Parliamentary Committee, the Civil Contingencies Bill was introduced to Parliament on 7 January 2004. Its development was informed from the start by close consultation with key stakeholders in what was an open and inclusive policy-making process. The Bill received Royal Assent on 18 November 2004 and henceforth became known as the Civil Contingencies Act 2004 (the "Act").

This guide gives a brief overview of the main provisions of the Act.

Overview of the Act

The Act, and accompanying regulations and non-legislative measures, will deliver a single framework for civil protection in the United Kingdom capable of meeting the challenges of the twenty-first century.

The Act is separated into two substantive parts:

- Part 1: focuses on local arrangements for civil protection, establishing a statutory framework of roles and responsibilities for local responders.
- Part 2: focuses on emergency powers, establishing a modern framework for the use of special legislative measures that might be necessary to deal with the effects of the most serious emergencies.

Key to modernising existing legislation is updating the definition of what constitutes an "emergency".

Definition of Emergency

Civil Protection activity at the local level previously took place under Civil Defence legislation dating from 1948. This legislation defined the events local responders should prepare for in terms of "hostile attack" from a foreign power. With the ending of the Cold War such a threat evaporated and local efforts have been focused on preparing for civil emergencies such as localised flooding and major transport accidents. Emergency Powers legislation is older still. The Emergency Powers Act 1920 defines an emergency in terms of interference with specified services and resources which will deprive the community of the essentials of life. A great deal has changed since 1920. The list of services and resources in the 1920 Act was out of date. In addition, the focus of the 1920 Act on essential services and resources failed to reflect the kinds of emergency which the UK now faces (for example, the 1920 Act did not clearly cover terrorist threats or threats to the environment).

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In modernising the legislation, it was necessary to introduce a new updated definition of an emergency which focuses on the risks we face in the 21st century. The definition of emergency in the Act focuses on the consequences of emergencies. It defines an emergency as:

- an event or situation which threatens serious damage to human welfare;
- an event or situation which threatens serious damage to the environment; or
- war, or terrorism, which threatens serious damage to security.

For Part 1 of the Act the definition sets out the range of possible incidents for which local responders must prepare when fulfilling their civil protection duties. For Part 2 it sets out the situations in which it may be possible to use emergency powers if the appropriate safeguards are met.

This does not mean that the definition of "emergency" is the same in both Parts. In Part 1, the threat must pose a threat of serious damage to human welfare or the environment of a "place" in the United Kingdom. This reflects the fact that Part 1 is designed to deal with preparations by local responders for localised emergencies. In Part 2, the threat must pose a threat of serious damage to human welfare or the environment of one of the English Regions, or one of the other constituent parts of the UK (Scotland, Wales or Northern Ireland). This higher threshold reflects the fact that Part 2 is designed for use in very serious emergencies which affect a larger geographical area.

Part 1: local arrangements for civil protection

The purpose of Part 1 of the Act is to establish a new statutory framework for civil protection at the local level. Local responders are the building block of resilience in the UK, and the Act will enhance existing arrangements by:

- Establishing a clear set of roles and responsibilities for local responders;
- Giving greater structure and consistency to local civil protection activity; and
- Establishing a sound basis for performance management at a local level.

The Act divides local responders into two categories depending on the extent of their involvement in civil protection work, and places a proportionate set of duties on each.

Category 1 responders are those organisations at the core of emergency response (e.g. emergency services, local authorities). Category 1 responders are subject to the full set of civil protection duties. They are required to:

- Assess the risk of emergencies occurring and use this to inform contingency planning;
- Put in place emergency plans;
- Put in place Business Continuity Management arrangements;
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
- Share information with other local responders to enhance co-ordination;
- Co-operate with other local responders to enhance co-ordination and efficiency; and

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- Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only).

The definition of emergency in the Act defines the sorts of events or situations that Category 1 responders should be preparing for. Section 2 of the Act additionally establishes a threshold that events or situations would need to meet to constitute an emergency, and thus to trigger the duties in Part 1 of the Act. This provides that Category 1 responders' duties under the Act only apply to events or situations which require the use of assets beyond the scope of normal operations and require a special deployment.

Category 2 organisations (e.g. Health and Safety Executive, transport and utility companies) are "co-operating bodies" who while less likely to be involved in the heart of planning work, will be heavily involved in incidents that affect their sector. Category 2 responders have a lesser set of duties – co-operating and sharing relevant information with other Category 1 and 2 responders.

The detail of what this means in practical terms is fleshed out in the Contingency Planning Regulations 2005 and statutory guidance *Emergency Preparedness* which can be found at <http://www.ukresilience.info/ccact>. Category 1 and 2 responders are also required to come together to form 'Local Resilience Forums' (based on police force areas outside London) which will help co-ordination and co-operation between responders at the local level.

A full list of Category 1 and 2 responders can be found at Annex A. The Act enables the Minister to alter the membership of both Categories of responder in order to ensure flexibility and to take account of future developments.

The bulk of the duties in Part 1 of the Act came fully into force on 14 November 2005, with the duty on local authorities to give business continuity advice being implemented on 15 May 2006.

Part 2: emergency powers

In the UK emergency powers allow the making of special temporary legislation to deal with the most serious of emergencies. They are not a means for instigating martial law, for undermining Parliament, banning political parties or anything else of that nature. An essential point to note is that Emergency Powers legislation is a mechanism for dealing with only the most serious of emergencies that require an urgent response, an instrument of last resort. The previous emergency powers legislation (the Emergency Powers Act 1920) was used twelve times in its eighty-four year history, the last time being in 1974. In the years since, a considerable amount of sector specific emergency legislation has been introduced which reduced the need to resort to emergency powers, in part because of a recognition that Emergency Powers legislation was inadequate.

Nevertheless, there is still a need for a latent capacity to rapidly make new temporary statutory provision where this is the most effective way of enabling the resolution of an emergency situation. The Government needs a tool that can be deployed to address all forms of disruptive challenge where existing legislation is insufficient.

The Act repeals the existing legislation (the Emergency Powers Act 1920 and its Northern Ireland counterpart, the Emergency Powers Act (Northern Ireland) 1926), and the emergency powers provisions of the Act extend to the whole of the UK. It sets out a new

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definition of what constitutes an emergency appropriate to the times in which we live and incorporating new risks and threats which were not so relevant in 1920, including terrorist attacks, contamination of land following a biological or chemical terrorist attack and loss of communications systems on which we now depend.

As with the 1920 Act, the Act allows the making of temporary special legislation aimed at dealing with a serious emergency that fits within the definition. The Queen, as Head of State, will formally indicate that emergency powers are necessary as part of the Order in Council that makes the regulations themselves. For the first time a fallback option has been included to cover the possibility that emergency powers will be needed, where the Queen is, for whatever reason, unable to act. The Act therefore allows for a senior Minister or the Prime Minister to make the regulations in the unlikely event that Her Majesty is not able to do so.

The Act introduces a range of other new features, mostly designed to ensure emergency powers cannot be misused and can be used in a more targeted and proportionate manner. The centre piece of these is the "triple lock", which ensures emergency powers will only be available if:

- an emergency that threatens serious damage to human welfare, the environment or security has occurred, is occurring or is about to occur;
- it is necessary to make provision urgently in order to resolve the emergency as existing powers are insufficient and it is not possible to bring forward a Bill in the usual way because of the need to act urgently; and
- emergency regulations must be proportionate to the aspect or effect of the emergency they are directed at.

In addition emergency regulations:

- cannot prohibit or enable the prohibition of participation in, or any activity in connection with, a strike or other industrial action;
- cannot instigate any form of military conscription;
- cannot alter any aspect of criminal procedures;
- cannot create any new offence other than breach of the regulations themselves;
- must be compatible with the Human Rights Act and EU law; and
- are open to challenge in the courts

For the first time it is possible to use emergency powers on a regional and/or devolved administration basis. This ensures any special temporary legislation will apply only in the part of the UK affected by the emergency, leaving those elsewhere unaffected.

The Act also requires the appointment of a 'Regional Nominated Co-ordinator' ("Emergency Co-ordinator" in the devolved administrations). If emergency powers are used, he/she will act as the focal point for co-ordination of response efforts at the regional or devolved administration level.

As with the existing legislation, emergency regulations must be presented to Parliament for its approval as soon as practicable after being made. Parliament may amend the regulations and must approve them within seven days of laying. If Parliamentary approval is not forthcoming, the regulations cease to have effect. The maker of emergency regulations would be subject to an obligation to protect and restore the ability of Parliament to scrutinise emergency regulations, and the ability of the Courts to entertain challenges.

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The Government has given a commitment to ask a senior Privy Councillor to conduct an inquiry within one year of any use of emergency powers. The report would be published and debated in both Houses of Parliament.

Part 2 of the Act was brought into force on 10 December 2004.

Devolution

The Act applies to the whole of the UK and reflects the various devolution settlements:

Part 1

Civil protection is largely devolved to Scotland. However, the Scottish Parliament consented to Part 1 of the Act being extended to Scotland. In light of this, the powers conferred on Ministers under Part 1 of the Act (power to make regulations and guidance etc.) are, in relation to devolved matters in Scotland, exercisable by Scottish Ministers. The Scottish Ministers and UK Ministers must consult each other when exercising their legislative powers under Part 1.

In Wales, UK Ministers will make legislation and issue guidance in relation to responders in Wales. However, the Act requires the UK Ministers to obtain the consent of the Assembly before taking action in relation to a responder in Wales which falls within devolved competence.

In Northern Ireland, different administrative arrangements at the local level make it impossible for Part 1 to apply to Northern Ireland in the same way as it applies in the rest of the UK. It does apply to certain bodies in Northern Ireland who exercise non-devolved functions (e.g. Maritime and Coastguard Agency, Police Service of Northern Ireland). In addition, the Northern Ireland Administration has developed the Northern Ireland Civil Contingencies Framework, which will ensure that responders falling within transferred competence act in line with the duties set out in the Act. The Framework is available at <http://cepu.nics.gov.uk/pubs/NI%20CCF.pdf>

Part 2

Emergency powers are a reserved matter. However, Part 2 ensures the devolved administrations will be consulted, if emergency powers are to be used in their territory, wherever possible. It allows emergency powers to be used in Scotland, Wales or Northern Ireland alone for the first time, though the use of emergency powers remains with Westminster.

Concordats setting out in more detail how these arrangements will work in practice have been agreed with the Welsh Assembly Government and with Scottish Ministers, while that with the Northern Ireland Administration will be finalised shortly. The signed concordats can be viewed on the devolved administrations' websites as well as on the UKResilience site at http://www.ukresilience.info/ccact/0802scots_concordat.pdf
http://www.ukresilience.info/ccact/wales_concordat.pdf

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Further information

The Act, and accompanying documents, can be found at <http://www.ukresilience.info/ccact/index.htm>.

If you would like to know more about any specific aspect of the Act, you can email the Act Implementation Team at ccact@cabinet-office.x.gsi.gov.uk or call us on 020 7276 5053.

ANNEX A

CIVIL CONTINGENCIES ACT 2004: LIST OF RESPONDERS

Schedule 1 of the Civil Contingencies Act lists the responders subject to its provisions. As described in Annex 1A, the Act splits local responders into two categories and imposes a different set of requirements on each category. Category 1 and 2 responders in England and Wales are listed below.

Section 13 of the Act enables Ministers to amend the list of responders with the agreement of Parliament.

Category 1 responders ("core responders")

Emergencies services

- Police forces
- British Transport Police
- Fire authorities
- Ambulance services
- Maritime and Coastguard Agency

Local authorities

- All principal local authorities (i.e. metropolitan districts, shire counties, shire districts, shire unitaries)
- Port Health Authorities

Health bodies

- Primary Care Trusts
- Acute Trusts
- Foundation Trusts
- Local Health Boards (in Wales)
- Any Welsh NHS Trust which provides public health services
- Health Protection Agency

Government agencies

- Environment Agency

CabinetOffice



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- Scottish Environment Agency

Category 2 responders ("co-operating responders")

Utilities

- Electricity distributors and transmitters
- Gas distributors
- Water and sewerage undertakers
- Telephone service providers (fixed and mobile)

Transport

- Network Rail
- Train Operating Companies (passenger and freight)
- London Underground
- Transport for London
- Airport operators
- Harbour authorities
- Highways Agency

Health bodies

- Strategic Health Authorities

Government agencies

- Health and Safety Executive