

EMERGENCY PLANNING JOINT COMMITTEE

AGENDA

Tuesday 8 November 2011

at 10.00 a.m.

at The Emergency Planning Unit,
Aurora House, Middlesbrough

MEMBERS: EMERGENCY PLANNING JOINT COMMITTEE:-

Hartlepool Borough Council:-

The Mayor, Stuart Drummond

Middlesbrough Borough Council:-

Councillor Julia Rostron

Redcar and Cleveland Borough Council:-

Councillor Steve Goldswain

Stockton Borough Council:-

Councillor David Rose

1. **APPOINTMENT OF CHAIR**
2. **APOLOGIES FOR ABSENCE**
3. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
4. **TO RECEIVE THE RECORD OF DECISION IN RESPECT OF THE MEETING HELD ON 20 MAY 2011** (Previously circulated)

5. **ITEMS FOR DECISION**

- 5.1 Amended Constitution and Terms of Reference – *Chief Emergency Planning Officer*
- 5.2 Nomination of Governor for North East Ambulance Service – *Chief Emergency Planning Officer*
- 5.3 Performance Reporting of Emergency Planning Unit – *Chief Emergency Planning Officer*
- 5.4 Revenue Financial Monitoring Report to end September 2011 – *Chief Finance Officer, Hartlepool BC*
- 5.5 Finance Predictions for the Coming Years – *Chief Emergency Planning Officer*
- 5.6 Internal Audit – *Chief Emergency Planning Officer*
- 5.7 Exercise CREEK – *Chief Emergency Planning Officer*
- 5.8 Reported Incidents / Cleveland Communications Strategy – *Chief Emergency Planning Officer*

6. **DATE AND TIME OF NEXT MEETING**

Next meeting date to be discussed.

Report to: Emergency Planning Joint Committee
From: Chief Emergency Planning Officer
Date: 8 November 2011
Subject: Amended Constitution and Terms of Reference

1. Purpose of the Report

- 1.1 To present Members of the amended constitution and terms of reference for the Emergency Planning Joint Committee.
- 1.2 To seek Member agreement to this document.

2. Background

- 2.1 The Emergency Planning Joint Committee is an Executive Committee of the four constituent unitary Local Authorities in the former area of the County of Cleveland, namely Hartlepool Borough Council; Stockton-on-Tees Borough Council; Middlesbrough Borough Council and Redcar & Cleveland Borough Council.
- 2.2 The Cleveland Emergency Planning Unit is a “Joint Unit” established under articles in the constitution of each of the four local authorities, for example, article 11 and part 7, schedule ‘A’ of the constitution of Hartlepool Borough Council provide the power to establish a joint arrangement with one or more local authority and to exercise executive functions.
- 2.3 The power to establish a joint arrangement under the constitution of the four local authorities is conferred from Section 101 of the Local Government Act 1972 - ‘Arrangements for discharge of functions by local authorities’. Section 102 – ‘Appointment of Committees’ allows local authorities (two or more) to appoint a Joint Committee with respect to any joint arrangement made under section 101.
- 2.4 The definition of ‘public authority’ is set out in Schedule 1 of the Freedom of Information Act 2000. Whilst the definition is lengthy it does include at Part II section 25 that a public authority includes a joint committee constituted in accordance with sections 101 and 102 of the Local Government Act
- 2.5 Therefore, the legal position is that both the Emergency Planning Joint Committee and Cleveland Emergency Planning Unit are a public authority for the purposes of the Local Government Act and the Freedom of Information Act and are classed as and “outside body”.

- 2.6 The Emergency Planning Joint Committee is the governance body for the Cleveland Emergency Planning Unit.
- 2.7 The Emergency Planning Joint Committee's constitution and terms of reference are reviewed annually. The attached document is the latest version.

3. Recommendations

- 3.1 Members are asked to agree the amended constitution and terms of reference.
- 3.2 Members are asked to accord with the constitution and terms of reference in undertaking their duties as a member of the Emergency Planning Joint Committee.

Report Author: Andy Summerbell
Chief Emergency Planning Officer & LRF Manager

Report date: 25th October 2011

Constitution and Terms of Reference – Emergency Planning Joint Committee

Introduction

The Emergency Planning Joint Committee is an Executive Committee of the four constituent unitary Local Authorities in the former area of the County of Cleveland, namely Hartlepool Borough Council; Stockton-on-Tees Borough Council; Middlesbrough Borough Council and Redcar & Cleveland Borough Council.

Hartlepool Borough Council have been nominated as the “host / lead” authority for the Cleveland Emergency Planning Unit (CEPU) and provide the following services and facilities for/to the CEPU:

- Human Resources
- Finance
- Democratic Services
- Legal Services
- Information Technology (IT)

Legal and Constitutional Position

The Cleveland Emergency Planning Unit is a “Joint Unit” established under articles in the constitution of each of the four local authorities, for example, article 11 and part 7, schedule ‘A’ of the constitution of Hartlepool Borough Council provide the power to establish a joint arrangement with one or more local authority and to exercise executive functions.

The power to establish a joint arrangement under the constitution of the four local authorities is conferred from Section 101 of the Local Government Act 1972 - ‘Arrangements for discharge of functions by local authorities’. Section 102 – ‘Appointment of Committees’ allows local authorities (two or more) to appoint a Joint Committee with respect to any joint arrangement made under section 101.

The definition of ‘public authority’ is set out in Schedule 1 of the Freedom of Information Act 2000. Whilst the definition is lengthy it does include at Part II section 25 that a public authority includes a joint committee constituted in accordance with sections 101 and 102 of the Local Government Act

Therefore, the legal position is that both the Emergency Planning Joint Committee and Cleveland Emergency Planning Unit are a public authority for the purposes of the Local Government Act and the Freedom of Information Act and are classed as and “outside body”.

Membership of the Emergency Planning Joint Committee

On a yearly basis the four constituent Local Authorities elect an Elected Member (Councillor) to act on their behalf as a member of the Joint Committee.

Due to the Committee having executive powers, membership is made up of a leading/senior Councillor from each of the four Local authorities, for example, a Portfolio Holder or Cabinet member.

The Joint Committee meets on a quarterly basis to meet the terms of reference of the committee. Meetings are arranged and administered through the Democratic Services Officer of Hartlepool Borough Council.

The Chair of the Committee is elected on a yearly basis from the membership of the committee. This election occurs at the first meeting in the fiscal year.

2011 – 2012 membership is:

- Elected Mayor Stuart Drummond, Hartlepool Borough Council
- Councillor David Rose, Stockton-on-Tees Borough Council
- Councillor Steve Goldswain, Redcar and Cleveland Borough Council
- Councillor Julia Rostron, Middlesbrough Borough Council

In recognition of the requirement to have 3 members as a quorum, all members are expected to attend meetings unless exceptional circumstances prevail.

Terms of Reference:

To exercise the executive duties and functions of the four unitary authorities in relation to the following matters:

1. To approve for each Borough the annual budget required by the Cleveland Emergency Planning Unit to fulfill its duties and responsibilities on behalf of the four unitary authorities and the basis of disaggregation to be met by the constituent authorities.
2. To approve 'year end' reports on the budgetary performance of the Emergency Planning Unit, in accordance with financial regulations and procedures, including requests to place unspent money in 'reserves' or carry money forward.
3. To approve the Annual Plan of the Emergency Planning Unit and receive a report thereon at each year end.
4. To oversee the performance and effectiveness of the Emergency Planning Unit and its value to the four unitary authorities.
5. To draw to the attention of each of the constituent authorities best practice in the field of emergency planning and the impact of new legislation and regulations.
6. To undertake the appointments procedure in relation to the post of Chief Emergency Planning Officer.

7. To set and review the staffing establishment of the Emergency Planning Unit in accordance with the budget provision approved by the four constituent authorities.
8. To be responsible for, and keep under review, the accommodation and provision of equipment / facilities in the Emergency Planning Unit.
9. To approve the holding of Members Seminars in relation to emergency planning responsibilities and activities.
10. The Committee should meet at least 4 times per year at times to be determined by the Chair of the Joint Committee.
11. The quorum for meetings of the Joint Committee is 3.
12. The Chair of the Joint Committee will be appointed for the following 12 months at the first meeting in each fiscal year.

Last reviewed: May 2011

Report to: Emergency Planning Joint Committee
From: Chief Emergency Planning Officer
Date: 8 November 2011
Subject: Nomination of Governor for North East Ambulance Service

1. Purpose of the Report

1.1 To inform Members of the governor nomination to the North East Ambulance Service (NEAS) Foundation Trust's Council of Governors.

2. Background

2.1 NEAS has applied for and is undergoing the final assessment for Foundation Trust status.

2.2 NEAS has therefore established a Council of Governors and on the 28th June, Tony Dell, the Chairman, requested of Cleveland LRF, nomination of a Stakeholder Governor.

2.3 The LRF Chair formally nominated the LRF Manager, Andy Summerbell, for this role, to represent the interests of Cleveland LRF and in doing so consult with the Secretariats of Durham and Darlington and Northumbria LRFs to best represent the three bodies' views.

2.3 Training is being delivered to the new Council and the inaugural meeting is to be held on the 24th October 2011.

2.4 The nomination of a Cleveland LRF member provides us with a unique opportunity to ensure that Cleveland has a voice in the future direction of NEAS and service to the community of Teesside.

2.5 The governor position also provides a voice on behalf of the Cleveland Emergency Planning Unit and its operational relationship with NEAS in the provision of an emergency planning and preparedness for Cleveland.

3. Recommendations

3.1 Committee members note this report.

3.2 Committee members support the LRF manager with feedback upon matters relevant to the Board of Governors.

Report Author: Andy Summerbell
Chief Emergency Planning Officer & LRF Manager

Report date: 14th October 2011

Report to: Emergency Planning Joint Committee
From: Chief Emergency Planning Officer
Date: 8 November 2011
Subject: Performance reporting of Emergency Planning Unit

1. Purpose of the Report

1.1 To inform Members of process improvements in performance monitoring and work-stream identification and prioritisation.

2. Background

2.1 The Cleveland Emergency Planning Unit's Annual Business Plan contains 26 performance indicators. These are a mix of internal administrative targets and delivery of service by the Unit's officers to the authorities.

2.2 Currently the performance indicators are determined by the Chief Emergency Planning Officer principally based upon the priorities of the Unit and its work-streams. Reporting is done annually to the Emergency Planning Joint Committee.

2.3 The Unit does not currently maintain any database of actions emanating from meetings or indeed key pieces of work following national directive. This type of work can often have more immediate importance than a performance indicator agreed on annual review. Work does emanate from the Local Resilience Forum (LRF), its working groups, authority emergency planning meetings, national guidance and directives. Incident and exercise de-briefs also contain many lessons learned which require documented action to offset the same occurring again.

2.4 The Chief Emergency Planning Officer is in the process of reviewing the structure of the LRF and its working groups. This has commenced with a newly formed Risk Management Group whose job it will be to inform the LRF of the greatest risk and threats in and to Cleveland. The LRF will then agree a series of actions to mitigate and plan for these risks and threats. These will be captured in work-streams by the Unit into an annual work plan.

2.5 Similarly the authorities' emergency planning meetings are being requested to identify work required in their respective authority and this too will be captured in the annual work plan.

2.6 It is envisaged that the annual work plan will contain the actions required from the Unit to address the risks and threats faced in

Cleveland. This is a natural linkage and shows a prioritisation against known risks.

- 2.7 The work plan will also contain the training requirements of the Unit's officers and where known, that of authority officers and members. This will demonstrate a commitment to ensure that staff are skilled and trained to deal with the work they are required to undertake.
- 2.8 The work plan will also contain details of the emergency plans held for Cleveland, together with their review timescales. This will be a more robust process for plan management and will address recommendation 1 of the Internal Audit Report.
- 2.9 To provide a robust audit and monitoring position the Unit is to adopt Hartlepool's Covalent Performance Management System. This is a web based product which will enable accurate recording of all actions including target dates, updates and completion. The system produces top level performance reports and it is the intention of the Chief Emergency Planning Officer to produce such reports for future Emergency Planning Joint Committee meetings.

3. Recommendations

- 3.1 Committee members note this report.

Report Author: Andy Summerbell
Chief Emergency Planning Officer & LRF Manager

Report date: 26th October 2011

CLEVELAND EMERGENCY PLANNING JOINT COMMITTEE

Report to: Cleveland Emergency Planning Joint Committee

Report from: Chief Finance Officer

Date: 8 November 2011

Subject: Revenue Financial Monitoring Report to end September 2011

1. PURPOSE

1.1 To provide details of progress against the Joint Committee's overall revenue budget for 2011/2012.

2. BACKGROUND

2.1 The report provides an overall picture of performance and progress of the Emergency Planning Unit (EPU) against the approved 2011/2012 revenue budget.

2.2 The Committee provides political accountability for the Joint EPU and oversees the EPU from a political viewpoint. The Committee itself does not have a budget but oversees that the Chief Emergency Planning Officer receives the funding from the 4 local authorities within the Tees Valley to enable the EPU to provide a joint service to them and that on behalf of the EPU he spends the money wisely and within budget.

3. FINANCIAL POSITION

3.1 The latest position is summarised below:

Actual Position 30/09/11					
Approved Budget £	Description	Expected Budget £	Actual Expenditure/ (Income) £	Variance to Date Adverse/ (Favourable) £	Projected Outturn Variance Adverse/ (Favourable) £
0	Emergency Planning	(21,2397)	(199,873)	12,524	0
0	Emergency Planning - Environment Agency	(36,383)	(36,383)	0	0
0	Local Resilience Forum (LRF)	(13,857)	(13,857)	0	0
0	Emergency Planning - Beacon Status	2,100	2,100	0	0
0	Total	(260,537)	(248,013)	12,524	0

Agenda item 5.4

3.2 There is currently an adverse variance on the main Emergency Planning budget, this is not unusual and the outturn is expected to be in line with the approved budget.

3.3 There are no items to draw to Member's attention.

4. RECOMMENDATIONS

4.1 That Members note the contents of the report.

Report to: Emergency Planning Joint Committee
From: Chief Emergency Planning Officer
Date: 8 November 2011
Subject: Finance predictions for coming years

1. Purpose of the Report

- 1.1 To inform Members of the financial position of the Unit in the coming years and potential increased work demand.
- 1.2 To seek Member consent to commit to reserves under spends from 2011/12 and 2012/13 financial years.

2. Background

- 2.1 Currently Cleveland hosts around 34 top tier Comah sites, which represents around 11% of the countries sites. There are a number of lower tier sites.
- 2.2 CEPU employs one officer to write, on behalf of all the authorities, the off site emergency plan, a legislative requirement. These plans have to be tested and exercised and reviewed every three years.
- 2.3 To address this workload the officer receives support from an Emergency Planning Officer and I would proffer that Comah planning takes 1.5 FTE posts.
- 2.4 Cognisance should be taken of the Internal Audit report which makes recommendation re plan monitoring and reviews. This observation by the audit team was very much predicated upon the Comah plans. Whilst we have addressed this action in terms of the creation of a more robust monitoring process I cannot ignore the resourcing impact and sheer capacity of officers to fulfil the needs of this demand.
- 2.5 Recently the Health and Safety Executive announced some pieces of work they are undertaking around Comah. Although not completed the indications are that this work will lead to more chemical sites being designated as top tier Comah sites, very probably increasing the numbers across Cleveland with significant workload impacts for the CEPU. More information can be obtained on the following sites.
<http://www.hse.gov.uk/Comah/remodelling/index.htm> and
<http://www.hse.gov.uk/foi/internalops/fod/oc/200-299/253-11.htm>
- 2.6 The Unit's establishment was reduced in April 2011 to address the budget cut of 10% for 2011/12. This saw the loss of an Emergency Planning Officer post and led to a reduced salary for the Chief

Emergency Planning Officer and LRF Manager post. Further cuts of 5% for 2012/13 and 2013/14 are planned. The Unit's budget will reduce to £407,355 for 2012/13 and £386,987 for 2013/14. The salary budget for current establishment is circa £341,000.

- 2.7 The Unit receives a small amount of funding for an LRF secretariat. It does not fund the LRF Manager. A separate piece of work is ongoing re benchmarking of LRF funding and this will be subject of future report.
- 2.8 The Department for Communities and Local Government has recently promulgated new LRF guidance and amended chapters of the statutory guidance, Emergency Preparedness. The Unit is leading on a review of the LRF against these with partners. It is likely that increased demand will be made upon the Unit's staff to accord with the requirements of the LRF and Civil Contingencies Act. This will be fundamental to the assurance to our Authorities that they accord fully with legislative requirements.
- 2.9 Acknowledging that the Unit will have to work within its budgets, it is proposed that to maintain the current level of service, and to deal with the anticipated workload, that resourcing levels cannot be reduced.
- 2.10 Accepting this, one has to recognise that the budgets for 2012/13 and 13/14 will provide sufficient salary funding (although this will have to be reviewed should there be a pay increase prior to this period) but will leave very little to enable the effective operation of the CEPU.
- 2.11 The previous Chief Emergency Planning Officer obtained funding from the Environment Agency for three years to facilitate a Flood Project. This is ongoing.
- 2.12 The current incumbent has negotiated with the Emergency Planning College regarding income generation opportunities where national courses are being delivered by the College facilitated at CEPU. In addition to income, free places are made available to CEPU officers, allowing additional saving.
- 2.13 It is anticipated that this year end will see some budget under spend. In the main this is the salary under spend of the Chief Emergency Planning Officer as the previous officer retired in May and the salary was not paid to the current officer, who was on secondment, until August. In September the EA funded officer resigned and he has not been replaced. This work has been distributed between existing staff hence the remaining salary element will be saved. These savings should be seen as one off savings and cannot be repeated over the coming years.
- 2.14 In planning for the future the Chief Emergency Planning Officer held a focus event with the team in early September. Some financial savings for 2012/13 were identified by reducing some budget lines. Credit must

be given to officers who have agreed to a loss of some benefits and increased on call duties.

- 2.15 The Chief Emergency Planning Officer and Senior Administrator have met with Chris Parkin and David Bell to review the financial position of the Unit and to make plans for the future years.
- 2.16 The outcome of this meeting was a proposal to add to reserves under spends from the current financial year and that of 2012/13. It is hoped that by doing this and prudent management of budgets, the CEPU can maintain its resourcing levels, which are necessary to address the current and predicted increase in workload.
- 2.17 It is hoped that such prudent management and continued pursuance of income generation opportunities will enable the Chief Emergency Planning Officer to minimise growth bids to the four local authorities for 2014/15.

3. Recommendations

- 3.1 Members note this report.
- 3.2 Members recognise the prudence being applied by the CEPU with regard to budget management and income generation.
- 3.3 Members acknowledge the probable increase in workload and legislative demands being placed on the CEPU in the coming years.
- 3.4 Members agree to commit to the CEPU reserves, budget under spend from the current financial year and the 2012/13 year.

Report Author: Andy Summerbell
Chief Emergency Planning Officer & LRF Manager

Report date: 25th October 2011

Report to: Emergency Planning Joint Committee
From: Chief Emergency Planning Officer
Date: 8 November 2011
Subject: Internal Audit

1. Purpose of the Report

1.1 To inform Members of the content of the internal audit of the Cleveland Emergency Planning Unit conducted by Hartlepool Borough Council's Internal Audit team.

2. Background

2.1 Internal Audit is an independent appraisal function that reviews the Council's activities, both financial and non-financial.

2.2 All audit work is carried out in accordance with the CIPFA Code of Practice for Internal Audit in Local Government in the UK, as reflected in the Internal Audit Manual.

2.3 The audit objectives were:

- Effective arrangements are in place for keeping up to date with legislation / best practice
- A Local Resilience Forum is established and operates according to the requirements of the CCA and associated regulations;
- An agreed information classification system is in place which provides guidance on the categories of information that can and cannot be shared. Information classification is in accordance legislation such as FOI, DPA;
- A Risk Assessment is undertaken as required by CCA and its regulations.
- There are clear links between risk assessments and emergency plans;
- Emergency plans are maintained that are designed to prevent, reduce, control or mitigate the effects of emergencies;
- Risks to civil protection arising from legislation outside of CCA are managed at an acceptable level;

- Effective arrangements are in place for 'warning and informing' the public are in place;
 - Effective arrangements are in place for managing the Cleveland Emergency Planning Unit;
 - Resources are used in an efficient, effective and economic manner.
- 2.4 The audit final report was published on the 16th October 2011.
- 2.5 The overall opinion is that **Adequate Assurance** can be placed on the control objectives reviewed.
- 2.6 The audit report makes three recommendations.
- Follow up action should be taken to identify and resolve issues that lead to delays in the review of plans.
 - An analysis of resources used in preparing / exercising plans should be undertaken to determine an appropriate recharge rate.
 - A benchmarking exercise should be undertaken in order to identify areas / working practices etc which can limit the impact of the reduction in resources.
- 2.7 These actions are being addressed and will be complete within the timescales requested in the report. Members will be updated at their completion
- 2.8 A copy of the report is attached to this document.

3. Recommendations

- 3.1 Committee members note internal report.

Report Author: Andy Summerbell
Chief Emergency Planning Officer & LRF Manager

Report date: 14th October 2011



Internal Audit Report

Emergency Planning

Final Report Issued: 16th September 2011



Internal Audit is an independent appraisal function that reviews the Council's activities, both financial and non-financial. Internal Audit provides a service to the whole Council in order to provide assurance on the arrangements for risk management, internal control and corporate governance, and to provide advice to support achievement of best practice.

All audit work has been carried out in accordance with the CIPFA Code of Practice for Internal Audit in Local Government in the UK, as reflected in the Internal Audit Manual.

The auditors involved in the work have no links to the subject matter of this audit or relationships with the clients that could compromise the impartiality or objectivity of the work undertaken.

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FINAL

Scope of the Audit

The Civil Contingencies Act, and accompanying regulations and non-legislative measures, aim to deliver a single framework for civil protection in the United Kingdom.

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.

In determining the scope and objectives of this review, audit planning focused on part 1 of the Act using the statutory guidance 'Emergency Preparedness' published by HM Government.

Cleveland Emergency Planning Unit (CEPU) provides a resilience, civil contingencies and emergency planning service to the four unitary local authorities of Hartlepool, Middlesbrough, Stockton-on-Tees and Redcar and Cleveland.

It is financed through a joint arrangement with Hartlepool Borough Council being the 'lead / host' authority and its role includes:

- Ensuring the four local authorities meet their statutory duties under primary legislation, in particular the:
 - Civil Contingencies Act 2004;
 - Civil Contingencies Act (Contingency Planning) Regulations 2005;
 - Control of Major Accident Hazard Regulations 1999 (COMAH);
 - Pipeline Safety Regulations 1996 (PSR);
 - Radiation (Emergency Preparedness and Public Information) Regulations 2001 (REPPPIR).

It works with local partner agencies, particularly those defined as category 1 responders under the Civil Contingencies Act and manages the Cleveland Local Resilience Forum (CLRF) to ensure that through co-operation and information sharing, the CLRF meets its statutory processes and is the strategic voice across Cleveland ensuring effective multi-agency delivery of duties under the Civil Contingencies Act, other legislation and statutory guidance.

The audit objectives were:

- Effective arrangements are in place for keeping up to date with legislation / best practice;
- A Local Resilience Forum is established and operates according to the requirements of the CCA and associated regulations;
- An agreed information classification system is in place which provides guidance on the categories of information that can and cannot be shared. Information classification is in accordance legislation such as FOI, DPA;
- A Risk Assessment is undertaken as required by CCA and its regulations. There are clear links between risk assessments and emergency plans;
- Emergency plans are maintained that are designed to prevent, reduce, control or mitigate the effects of emergencies;
- Risks to civil protection arising from legislation outside of CCA are managed at an acceptable level;
- Effective arrangements are in place for 'warning and informing' the public are in place;
- Effective arrangements are in place for managing the Cleveland Emergency Planning Unit;
- Resources are used in an efficient, effective and economic manner.

Opinion

The overall opinion is that **Adequate Assurance** can be placed on the control objectives reviewed. This opinion is based on the result of Work Done shown below.

The assurance level is determined through an assessment of how well the risks identified in the audit planning stage are being managed. Audit testing found that risks are managed at an acceptable level.

A number of recommendations are included in the action plan, which the auditor believes will further improve the risk / control environment if implemented.

Summary

The Cleveland Local Resilience Form (CLRF) was formed in 2004, based on the area covered by Cleveland Police. Review of minutes of CLRF found that membership is appropriate and that the forum operates according to the requirements of the CCA and associated regulations

Clear links between risk assessments and emergency plans are in place with plans subject to regular review.

A formal timetable has been established for exercising plans with progress against the exercise calendar reported to the CLRF and EPJC.

Results of exercises undertaken are fully documented with action plans developed of lessons learnt and incorporated into reviews of associated plans.

General advice is published to the public referring to the risks of emergency in the locality.

The CEPU is financed through a joint arrangement with Hartlepool Borough Council being the 'lead' authority.

Allocations from each authority are based upon the population of each area and are agreed by the Emergency Planning Joint Committee.

The CEPU has a strategic plan 2008/11 approved by the EPJC (current plan being developed). Annual Plans are also prepared and submitted to the EPJC for approval which inform of the service that the Unit intends to provide for the forthcoming year and arrangements for measuring performance through a number of PIs included in an action plan. Progress against PIs is reported to the EPJC quarterly.

Hartlepool Borough Council has been nominated as the "host / lead" authority for the Cleveland Emergency Planning Unit (CEPU).

Where Control Objectives are recorded in the Result of Work Done column below as not achieved, a Finding and associated Recommendation has been added to the Action Plan (referenced in the final column).

Control Objective	Result of Work Done	Reference to Exception in Action Plan
1. Effective arrangements are in place for keeping up to date with legislation / best practice.	Objective achieved	
2. A Local Resilience Forum is established as required by CCA regulations.	Objective achieved	
3. An agreed information classification system is in place which provides guidance on the categories of information that can and cannot be shared. Information classification is in accordance legislation such as FOI, DPA.	Objective achieved	
4. A Risk Assessment is undertaken as required by CCA and its regulations. There are clear links between risk assessments and emergency plans.	Objective achieved	
5. Emergency plans are maintained that are designed to prevent, reduce, control or mitigate the effects of emergencies.	Objective achieved	
6. Effective arrangements are in place for 'warning and informing' the public are in place.	Objective achieved	
7. Risks to civil protection arising from legislation outside of CCA are managed at an acceptable level.	Objective achieved	1 and 2
8. Effective arrangements are in place for managing the Cleveland Emergency Planning Unit. Resources are used in an efficient, effective and economic manner.	Objective achieved	3

Action Plan

ISS.1 Plan reviews - Links to Control Objective 7

Finding

The plan tracker shows plans in place and dates of review. Whilst a review of the tracker demonstrates that plans are generally up to date with valid reasons where there is a delay in programmed reviews a number of plans are currently overdue for review, notably Billingham COMAH plan.

The auditor recognises that a close working relationship with the competent authority (HSE) means that they are aware of such delays and enforcement orders are unlikely to be issued.

Recommendation

Follow up action should be taken to identify and resolve issues that lead to delays in the review of plans.

Risk of Non Implementation		Risk Level H/M/L	
<ul style="list-style-type: none"> Plans may not be up to date. Results of exercises undertaken may not be incorporated into plans due to delays in reviews. 		Medium	
Management Response	Responsible Officer(s)	Status Agreed Y/N	Date For Completion
	Andy Summerbell, Head of Emergency Planning	Yes	October 31 2011

ISS.2 Recharges - Links to Control Objective 7

Finding

The Unit recharges companies for the costs incurred in preparing and exercising plans. The current rate is £55 per hour. There is no evidence that an analysis of costs incurred has been undertaken to determine whether the rate accurately reflects resources used.

Recommendation

An analysis of resources used in preparing / exercising plans should be undertaken to determine an appropriate recharge rate.

Risk of Non Implementation		Risk Level H/M/L	
Rates charges for developing / exercising plans may not be appropriate.		Low	
Management Response	Responsible Officer(s)	Status Agreed Y/N	Date For Completion
	Andy Summerbell, Head of Emergency Planning	Yes	October 31 2011

ISS.3 Benchmarking - Links to Control Objective 8

Finding

As a result of government cuts the Unit has accepted a 10% budget cut and undertaken a recent review of staffing, resulting in the loss of key personnel.

The auditor acknowledges that Cleveland Emergency Planning Unit has gained national recognition for best practice, however, given the reduction in resources, it may be beneficial to undertake a benchmarking exercise to identify potential improvements and minimise the effect of such reductions.

Recommendation

A benchmarking exercise should be undertaken in order to identify areas / working practices etc which can limit the impact of the reduction in resources.

Risk of Non Implementation		Risk Level H/M/L	
Reduction in resources may have a detrimental impact on the ability of the Unit to deliver its objectives.		Low	
Management Response	Responsible Officer(s)	Status Agreed Y/N	Date For Completion
	Andy Summerbell, Head of Emergency Planning	Yes	March 31, 2012

Risks

Potential risks have been identified at the planning stage for audit review purposes. However, if controls are not in place and/or operating as intended then the area under review will be exposed to a greater or lesser degree to the risks identified.

Risks Identified at Planning Stage

Legislation

1. Effective arrangements may not be in place for keeping up to date with legislation / best practice.

Local Resilience Forum

1. A Local Resilience Forum may not be established as required by CCA regulations to ensure effective multi-agency co-operation.
2. Membership of LRF may not include all relevant parties to ensure that all appropriate responders are represented.
3. Members of LRF may not hold positions of sufficient authority within their organisation to commit such organisations to decisions made.
4. Agreed Terms of Reference may not be in place for CLRF.
5. Clear terms of reference may not be in place for committees of the LRF.
6. Terms of reference for the LRF may not be consistent with CCA and its regulations.
7. CLRF may not meet on a regular basis (6 monthly)
8. Clear records of meetings may not be maintained in the form of minutes.
9. Formal documented procedures may not be in place for appointing the chair to the LRF.
10. Secretariat Support to the LRF may not be in place.
11. A formal diary may not be in place for fixing the dates of meetings.
12. Clerk to meetings is independent of the LRF.
13. Minutes of meetings may not contain sufficient details and include action points that enable follow up of decisions made.

Information sharing

1. An agreed information classification system may not be in place which provides guidance on the categories of information that can and cannot be shared between agencies. The system may not detail categories of information that may be published.
2. An agreed information sharing protocol may not be in place.
3. Information classification may not be in accordance with legislation such as FOI, DPA.
4. The Unit may not publish its publication scheme in accordance with the Freedom of Information Act.

Risk assessment

1. A Risk Assessment may not be undertaken as required by CCA and its regulations.
2. There may not be a clear link between risk assessments and CEPU emergency plans.
3. Effective arrangements may not be in place for developing the risk register.
4. The Community Risk Register (CRR) may not be approved by the LRF.
5. The CRR may not be published to local LRFs and Regional Resilience Team.
6. Risk Assessments may not be published.
7. In publishing the risk assessment, consideration of the classification of information contained may not be considered.

Emergency planning

1. Emergency plans may not be maintained that is designed to:
 - prevent emergencies;
 - reduce, control or mitigate the effects of emergencies;
 - takes other action in the event of emergencies
2. Effective arrangements may not be in place for developing plans. Planning may not include consideration of risks and the development of objectives to manage such risks.
3. Plans may not assign responsibility and timescales for actions.
4. The plans may not include a definition of emergency as set out in CCA.
5. The plans may not define arrangements for invoking emergency procedures including:

- the identification of the person who determines whether an emergency has occurred;
 - the procedure which that person should adopt in taking that decision;
 - persons who should be consulted / informed about the decision.
6. Plans may not be published in accordance with CCA and its regulations.
 7. A formal timetable may not be established for exercising the plan.
 8. The exercise programme may not cover all aspects of the assessment of risk.
 9. The exercise timetable may not be approved by the CLRF.
 10. The agreed timetable for exercises may not be completed.
 11. The register of exercises may not be completed to ensure results of exercises are followed up.
 12. Results of exercises undertaken may not be fully documented and detail:
 - aims and objectives of the exercise;
 - structure and methodology;
 - persons taking part;
 - evaluation of exercise including lessons learnt to be incorporated into risk assessment / emergency plans.
 13. Emergency plans may not be revised as a result of lessons learnt from exercises undertaken.

Communication

1. General advice may not be published to the public referring to the risks of emergency in the locality.
2. Advice may not be effectively communicated.
3. Arrangements for warning the public of a likely emergency may not be maintained as defined by annex 7b of 'Emergency Preparedness' guidance.

Non CCA

1. Risks to civil protection arising from legislation outside of CCA may not be managed at an acceptable level.
2. Review requirements of set of legislation and ensure that the CEPU complies with requirements.

EPJC / CEPU

1. Governance arrangements for the EPJC may not be formally documented in a constitution.
2. The Joint Committee may not perform its duties as laid down in terms of reference.
3. CEPU may not be adequately staffed.
4. Staff may not have the necessary competencies for performing their duties.
5. Exercises to compare the performance of the CEPU with similar entities may not be undertaken to identify areas of good performance and potential improvements.
6. Formal agreement may not be in place for funding the CEPU.
7. Budgets allocated to the CEPU may not be in accordance with agreed funding mechanism.
8. Inadequate budgetary control arrangements.
9. Data may not be protected from loss / harm.
10. Inadequate arrangements for monitoring the performance of the unit.
11. Performance indicators may not be used to manage the performance of the unit.
12. Financial Procedure Rules/LMS scheme not complied with.
13. Goods purchased without authority or for personal use.
14. No order raised would also lead to inaccurate commitment data in budget reporting.
15. The organisation could incur fines from HM C&E if VAT is not dealt with correctly and may not be able to reclaim the VAT.
16. Income may not be collected in full.
17. Inadequate debt recovery arrangements
18. Debts may be written off without appropriate authorisation.
19. Equipment may be misappropriated and this may go undetected.
20. Unauthorised disposal of equipment may occur.
21. If regular stock checks are not made, the inventory may be inaccurate or items may have been misappropriated and gone unnoticed.
22. Purchases for personal use if there are inadequate authorisation processes in place.
23. Petty cash may be misappropriated if regular reconciliation is not performed.

Glossary

Terminology	Explanation
Achieved / Not Achieved	Where all controls are in place, are sufficient and are operating as intended the control objective is Achieved. Where any Findings have been raised in the Action Plan the control objective is considered Not Achieved.
Control	A control is something that is put into place within a system/process to mitigate or manage risk. A number of controls can make up a Control Objective.
Date for Completion	The date by which the recommendation will have been completed/fully implemented. This date is agreed at the draft stage between auditor and client.
Finding	A description of an issue arising from the audit testing which requires an action to be taken by management. It identifies a control weakness.
Follow Up	Part of the audit process designed to give assurance to managers that the agreed recommendations have been implemented by the agreed date for completion. Recommendations not implemented by the agreed date for completion may be reported to the relevant Director and ultimately the Audit Committee as per agreed Audit-Client Protocol.
Management Response	Comments provided by management on the recommendation made for inclusion in the final report. This feedback is given to the auditor at the draft report stage.
Control Objective	The aim of the system/process broken down into its component parts based on the risks identified. The Control Objective is then broken down further into individual controls.
Overall Opinion	The level of assurance that can be provided based on results of testing whether controls are in place, are sufficient and are operating as intended to mitigate and/or manage the risks identified.
Scope of the Audit	Setting the scope involves: deciding on the boundaries of the audit - where the auditor will start and stop in the system or process - where the audit crosses over or links with other audits in the plan and which audit will cover which areas of the system or process; identifying what the auditor will be looking at in the system or process.
Status (Agreed or Not)	A statement to indicate whether the responsible officer has agreed to implement the recommendation or not. Non-agreement indicates that the responsible officer has accepted the risk of non-implementation identified. Non-agreed recommendations are reported to the Audit Committee in line with agreed Audit-Client Protocols.
Recommendation	Where control weaknesses occur Internal Audit makes recommendations in an action plan. The recommendation is the action required to address the issue raised (finding). This is agreed between the auditor and responsible officer at draft report stage.
Responsible Officer	The person responsible for implementing the recommendation by the agreed date. This is agreed between the auditor and responsible officer at draft report stage. This officer will be the first point of contact for the follow up stage of the audit.
Result of Work Done	Opinion as to whether the control objective has been achieved or not based on the review and assessment of each control.
Risk	A risk is something that could have an effect or impact on the

	system/process preventing the achievement of a service's aims and objectives.
Risk Level	Internal Audit prioritises recommendations as either; high, medium and low. The risk level relates to the risk of non implementation. Internal Audit classify recommendations based on a matrix designed to combine the likelihood and impact of a risk occurring.
Risk of Non-Implementation	The risk that the system or process is exposed to if the recommendation is not implemented.

FINAL

Report to: Emergency Planning Joint Committee
From: Chief Emergency Planning Officer
Date: 8th November 2011
Subject: Exercise CREEK

1. Purpose of the Report

To inform members of a key outcome from Exercise CREEK, highlighting limitations in the Emergency Mortuary arrangements within Cleveland.

2. Information

Cleveland Police was commissioned by ACPO UK DVI to host a Disaster Victim Identification exercise, which was held on 14th and 15th June 2011. The exercise tested all modules of DVI including strategy planning and the Emergency Mortuary arrangements.

Involved in the exercise were Coroners, Pathologists, Hartlepool Local Authority, Hartlepool Hospital staff and Senior Police Officers, with the exercise actually using Hartlepool Hospital in the process of mortuary operations as a live test of Cleveland plans

During the strategy discussions it was made clear by the Coroner (Malcolm Donnelly), Pathologist (Nigel Cooper) and Hartlepool Hospital Mortuary Manager (Michelle Lancaster) that, based on the scenario of over 160 dead and many fragmented body parts, the Cleveland LRF Emergency Mortuary plan, using Hartlepool Hospital, was not suitable for the task.

The mortuary and plan was deemed credible but due to mortuary size and the ability to operate '1 line' only, it would mean that the time taken to process the numbers involved would be months, a time factor not acceptable to the Coroner.

As such the Mass Fatalities Co-ordination Group, established during the exercise, agreed in the circumstances they would have to call on the National Emergency Mortuary Arrangements (NEMA) to manage the victims from the incident.

3. Outcome

The responsibility of providing an Emergency Mortuary sits with the Local Authority and the planning to manage that sits with the Police, in conjunction with the Local Authority.

The Local Authority, in Exercise CREEK, felt in a forced position in that they had no say in the decision to resolve the mortuary problem that the exercise presented.

This clearly highlighted a gap in Mortuary planning which needs to be remedied as a matter of priority to the satisfaction of the LRF and key figures i.e. Coroners.

The plan utilising Hartlepool Hospital as an Emergency Mortuary is still credible but only to a limited scale and should the incident involved mass fatalities then the only option, as at now, is to resort to NEMA, which is extremely costly.

The Cleveland EPU is working to progress an amended Emergency Mortuary Planning and in doing so is working with other Local Resilience Forums to maximise opportunities and minimise the cost burden.

4. Recommendations

Members note the report and supports the joint EPU in progressing planning around Emergency Mortuary arrangements.

Report Author: Andy Summerbell
Chief Emergency Planning Officer & LRF Manager

Report date: 27th October 2011

Report to: Emergency Planning Joint Committee
From: Chief Emergency Planning Officer
Date: 8th November 2011
Subject: Reported incidents/Cleveland Communications Strategy

1. Purpose of the Report

1.1 To inform Members of the incidents reported, severe weather and flood risk warnings received and communications faxes received and dealt with by the Cleveland Emergency Planning Unit (CEPU). This report covers the period between 9th May 2011 and 1st October 2011

2. Flood and Weather Warnings

2.1 During this period the CEPU has received 5 warnings from the Met Office relating to adverse weather.

2.2 There were 4 Flood Alert messages received relating to surface flooding from heavy showers.

3. Communications Strategy

3.1 During the period the CEPU received and dealt with 21 blue faxes which had been issued by operators or agencies involved with the strategy. These were mainly Flaring which caused visible Glare, flaring and noise.

3.2 Of these faxes, several were received and dealt with by the Duty Officer outside normal office hours.

3.3 Whilst all were blue faxes, some of the incidents did generate contact between the Emergency Planning Officer and the operator or emergency services to give advice or gather more information. Where appropriate, the local authorities were advised and therefore able to respond to be internal and external requests for information or action.

4. Incidents of Note (9th May 2011 to 1st October 2011).

- 4.1 There have been 22 incidents across Cleveland which led to the engagement of Emergency Planning Unit officers. Below are details of the more notable incidents.

May 2011 – Hartlepool. In early hours of the morning a male was found deceased in a car following an explosion. Incident classed as major incident and SCG established. Multi agency response led to formation of rest centres and invocation of evacuation procedures. All EPU officers deployed to this incident at all levels of command. Multi-agency debrief report and recommendations being taken forward by the LRF working group. Main issue was around communication and the use of social media which led to misinformation to the public.

August 2011 – Hartlepool. Explosion at a house causing fire and injuries to some nearby residents. Borough emergency centre activated and some residents moved to rest centre. EPU officers deployed to bronze and silver command during incident and this was recognised as best practice.

September 2011 – Wilton. Fire at Sabic which resulted in toxic release. Limited off site implications although the public information system was enacted to warn local residents of the incident and advise on action to be taken. The fire occurred on a site under demolition.

Report Author: Andy Summerbell
Chief Emergency Planning Officer & LRF Manager

Report date: 25th October 2011