



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Cyfrifon Cyhoeddus **The Public Accounts Committee**

Dydd Mawrth, 15 Ionawr 2013
Tuesday, 15 January 2013

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir
trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are recorded in the language in which they were spoken in the committee. In
addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol **Committee members in attendance**

Mohammad Asghar	Ceidwadwyr Cymreig Welsh Conservatives
Jocelyn Davies	Plaid Cymru The Party of Wales

Mike Hedges	Llafur Labour
Darren Millar	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)
Julie Morgan	Llafur Labour
Gwyn R. Price	Llafur Labour
Jenny Rathbone	Llafur Labour
Aled Roberts	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Andy Phillips	Swyddfa Archwilio Cymru Wales Audit Office
Huw Vaughan Thomas	Archwilydd Cyffredinol Cymru, Swyddfa Archwilio Cymru Auditor General for Wales, Wales Audit Office
John Weston	Swyddfa Archwilio Cymru Wales Audit Office

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Dan Collier	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Uwch Gynghorydd Cyfreithiol Senior Legal Adviser
Tom Jackson	Clerc Clerk

Dechreuodd y cyfarfod am 9.00 a.m.
The meeting began at 9.00 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Darren Millar:** Good morning to you all and welcome to today's meeting of the Public Accounts Committee. We have received no apologies this morning, so we will go straight to the items on our agenda. I remind everybody to switch off their mobile phones, BlackBerrys and pagers, because they can interfere with the broadcasting equipment. The National Assembly for Wales is a bilingual institution and people should feel free to communicate in English or Welsh as we proceed.

9.01 a.m.

Briff gan Archwilydd Cyffredinol Cymru ar Adroddiad Swyddfa Archwilio
Cymru, 'Argyfyngau Sifil yng Nghymru'
Briefing from the Auditor General for Wales on the Wales Audit Office
Report 'Civil Emergencies in Wales'

[2] **Darren Millar:** We move on to item 2 on our agenda. We have had the Wales Audit Office report 'Civil Emergencies in Wales', which was published just before Christmas on 6 December. This report has found that, when called upon, civil contingency arrangements are,

so far, working satisfactorily in Wales. It also details that the Welsh Government has supported effective and skilful responses through its partnership with the organisations responding to major emergencies. However, this study also found significant scope within these arrangements for improved clarity, consistency and quality. Given these findings, the WAO concluded that it was not confident that the Welsh public sector had set up a sufficiently strong, efficient and effective framework to improve resilience in response to emergency incidents.

[3] I welcome to the table today the Auditor General for Wales, Huw Vaughan Thomas, along with John Weston, performance specialist at the WAO, and Andy Phillips, who is the performance audit manager. Auditor general, do you want to introduce the report to Members and then we will go into some questions?

[4] **Mr Thomas:** Certainly, Chair. It is fair to say that it is a truism that the nature of emergencies changes. If I reflect back, without exposing my age too much, when I started in public life, the main training was about nuclear emergencies as a product of the cold war, but the nature of emergencies changes. Increasingly, the nature of cyber attack, of terrorism and emergencies like that has changed. Equally, we know that there has been a rise in civil emergencies. The recent issues in Ceredigion and north Wales show that flooding is probably the most significant natural risk that we are currently experiencing in Wales. However, it is a risk that is also likely to increase with climate changes.

[5] The issue about emergencies is that we need to identify the risks in advance. We need to plan for emergencies. If you do that, you build up resilience, which reduces both the likelihood and the consequences of emergencies—you can, to some extent, plan for them. It also helps to minimise disruption and to restore normality as quickly as possible. In this, there is a role for public services, the private sector and voluntary organisations; they all play an important part in emergency planning and the response made to emergencies and to the Civil Contingencies Act 2004. It is that particular Act that we have used as a template in looking at the nature of how civil emergencies are handled in Wales. Increasingly, there is an expectation that the public must also take steps to help improve its protection as far as possible.

[6] We found, as you said, Chair, that arrangements for emergency response have worked well in the different challenges that have been posed by some of the emergencies in Wales. Recent examples include the Gleision colliery disaster and major fires at the Chevron oil refinery in Pembrokeshire and at a tyre waste depot in Swansea. We have also had the adverse effects of the weather, demonstrated by summer floods and, possibly, a severe winter. However, with the public sector facing acute financial pressures, the Welsh Government, local authorities and emergency services decided, following the Simpson review two years ago, to reassess the way in which emergency planning is being organised and delivered. Again, the findings of our study reinforce that need. We looked at whether the Civil Contingencies Act 2004 had led to effective arrangements for emergency planning and the resilience of communities to provide sufficient protection for the public in Wales.

[7] Our conclusion is that the arrangements for emergency planning and resilience provide protection for the public. However, we cannot be sure that the arrangements are efficient and make the best use of resources or demonstrate full compliance with the Civil Contingencies Act 2004.

[8] As you will have seen, we carried out extensive research for this study. We involved an experienced research panel of civil emergency experts and audit peers to test our findings. We consulted with the main stakeholders and organisations, including the police, the fire and rescue services, the four local resilience fora, Environment Agency Wales and the NHS. We worked closely with the Welsh Government, the Cabinet Office's civil contingencies

secretariat and a wide range of other third parties. We also checked the accuracy of the report with stakeholders in the weeks prior to publishing, including the chairs of the four local resilience fora, through which most of the respondents, including local authorities, coordinate their activities.

[9] Support for our findings was overwhelming. We received telephone calls on the day of publication from a number of stakeholders thanking us for the report. Since publishing the report, we have become aware that some local authorities feel nervous about the move to regional emergency planning. However, local authorities, through their local resilience fora, have made significant progress to regionalise emergency planning in accordance with their commitment to the Simpson review.

[10] We understand that over the next few days the Simpson review implementation work group will consider the preferred option for regionalisation, agreed within each of the local resilience fora. We met with the Welsh Local Government Association last week and we were encouraged by that development. It is consistent with the way forward suggested in my report and it will help secure future robustness, improvement and support for emergency planning services in Wales. We are seeing a move that will help deliver some of the recommendations in the report. I would like to allow Andy to comment on some of the detailed points.

[11] **Mr Phillips:** The report is in three parts. Taking it part by part is probably the most convenient way of looking at it.

[12] The main conclusion of part 1 of the report is that many of the arrangements to deliver the Civil Contingencies Act 2004 work well, but the role of the Welsh Government is unclear and there are opportunities for increased efficiency in local delivery. In particular, the leadership arrangements for civil contingencies are complex because the Civil Contingencies Act 2004 is not devolved legislation for Wales. The legislation is structured so that the accountability for delivering emergency planning and response lies with each individual responding organisation.

[13] The Cabinet Office of the United Kingdom Government oversees the delivery of civil contingency legislation and produces statutory guidance on the roles, organisation and activities of the Welsh Government and responding organisations. A consequence of this guidance was the formation of the four local resilience fora. The framework of organisations and groups that align with each local resilience forum has evolved over time. This has resulted in what can only be described as a complex network.

[14] We found a large number of emergency planning groups operating at a local level—a consequence of the evolution—indicating some inefficiency within the overly complex framework of arrangements. Resources are spread too thinly to achieve the necessary critical mass and emergency planning teams, particularly in local authorities, can be remote from both the routine and strategic leadership that they need.

[15] This situation contributes to inconsistency and inefficiency. We note that this issue is also recognised in the Simpson review and in the subsequent commitment to regionalise the delivery of emergency planning. The Welsh Government support for civil contingency activities is most apparent at the Wales resilience forum—a gathering of high-level partnerships comprising lead officers from across the public sector. The First Minister chairs this forum, which provides an opportunity for political intervention and leadership. At times of national emergencies, the Welsh Government steps up and clearly leads. However, outside of emergencies, there is no formal role or responsibility for the Welsh Government to lead, to provide strategic oversight for Wales or to organise the delivery of emergency planning activities. Therefore, the Welsh Government finds itself in a rather strange position.

[16] Understanding the complicated role of the Welsh Government and the arrangements for civil contingencies is difficult, because the public sector and citizens expect the Welsh Government to provide leadership and co-ordination. However, guidance can confuse the Welsh Government's role and it falls short of clarifying the relationship of the Welsh Government with the Cabinet Office and the UK Government. The Cabinet Office retains the oversight of civil emergency activity in Wales. However, in practice, this oversight is quite distant and poorly-informed about the performance of many organisations involved in planning and responding to emergencies. The Civil Contingencies Act 2004 does not help in this respect, because it places accountability for performance only at the local level of each responding organisation. Consequently, there are gaps in the arrangements to assure us of satisfactory performance, efficient use of resources and full compliance with the Civil Contingencies Act 2004.

[17] The committee might want to explore how the Welsh Government could help to bridge this gap by working more closely with the Cabinet Office to strengthen the strategic oversight of civil contingency arrangements and activities, and providing a reassurance about performance, the efficient use of resources and compliance with the Civil Contingencies Act 2004.

[18] Moving on to part 2 of the report, the Welsh public sector has limited information about the resources it dedicates to ensuring resilience. However, there is a clear scope for improved efficiency and effectiveness. It is difficult to assess the cost of emergency planning, because it is just one part of developing resilience and complying with the Civil Contingencies Act 2004. Each year, Welsh local authorities spend about £4 million on emergency planning, so it is not a very high-spending service. In contrast, for emergency services, developing resilience and responding to emergencies is the essence of what they do. The difficulty in obtaining information on expenditure also means that it is hard for us to conclude on value for money, or to gain the necessary reassurance that funds are wisely spent. Using risk management terms, the real value of developing resilience and improving emergency response is only realised in preventing or minimising the impact of emergencies and the cost that is avoided in doing so.

[19] The revenue support grant provides central funding that is based mainly on population for local authority emergency planning. However, we consider that organisations that are planning for and responding to emergencies should also consider the likelihood and consequences of the risks faced when they prioritise the use of this funding. For all public services, tough financial times means pressure on funding and a need to prioritise. However, that was not apparent when we found that there was a four-fold difference in budget provision for emergency planning per head of population between some local authorities. We could not explain the reason for that. We were not assured that the human resources dedicated to planning and for responding to emergencies were sufficient. Neither were we convinced that resources were located in the right place, or that staff had the skills and empowerment needed to meet expectations. We found that Wales did not formally apply the competence standards for emergency planning officers, and there is no clearly identified career pathway.

[20] Knowledge management is under-developed and is yet to fully exploit the modern communication technologies that are available. Communication technologies in particular could help in sharing information and managing more dispersed teams. We also found inconsistency in the use of the voluntary sector, which is an under-used but essential resource during emergencies. In short, we cannot say with confidence that the skills and capacity necessary to deliver effective resilience are readily available.

9.15 a.m.

[21] The absence of a national oversight is particularly apparent in the lack of a consistent

approach to the management of physical assets. There is no national picture of the location, availability and maintenance of assets. We concluded that many emergency plans made unsound assumptions about the availability of assets and facilities. During the heat of an emergency is not the time to realise that emergency plans are out of date or unreliable. The committee may wish to explore how, with the decision following the Simpson review to regionalise emergency planning, the Welsh public sector can better manage the financial, human, physical and technical resources required for effective and cost-efficient planning for and response to emergencies.

[22] The final part of the report concludes that the approaches taken by category 1 responders—the main responders in planning for and responding to emergencies—to implement the Civil Contingencies Act 2004 are inconsistent and responders are not effectively monitoring their own activities. We reviewed the way in which risks are identified and assessed across Wales, because this provides the foundation for emergency plans. For each local resilience forum, a community risk register is produced, but we found that there was an uneven application of the statutory guidance provided within the Civil Contingencies Act enhancement programme. We concluded that there is inconsistency and there is no common approach to undertaking risk assessments.

[23] Community ownership of risks is fundamental to the success of resilience planning—and Huw mentioned the need to involve people in planning for their own resilience. However, community risk registers can be very difficult to understand and create a barrier to the public becoming better informed about the risks and understanding how they can become better prepared. We also found that a more integrated approach to managing risks, in particular by considering together the wide-ranging consequences of an emergency, could be more realistic and effective than looking at risks in isolation. Our findings on emergency plans also give cause for concern, because most of the plans we looked at did not fully conform to the minimum content specified in statutory guidance. Most plans are overly complicated and contain outdated information. In addition to that, we could not find evidence of a robust and routine review process that focused on quality, completeness and consistency in emergency plans. Most plans did not take advantage of modern communications such as social media to quickly distribute information during emergencies. It was interesting that, during our research, emergency planning officers told us that many of the limitations of existing emergency plans were recognised. Some went as far as to admit to us that they do not use their emergency plans during incidents.

[24] We did find some good examples of plans and the use of national and local exercises in particular to help in planning. In particular, exercises helped in checking the effectiveness of emergency plans, such as the recent response to flooding and pandemic influenza. However, across England and Wales, over 40% of police force emergency plans remain untested. That is the 2009 figure from Her Majesty's Inspectorate of Constabulary.

[25] The co-ordinated review and scrutiny of resilience activity is also very limited. Guidance produced by the Cabinet Office is clear: organisations that respond to emergencies should routinely measure their performance and effectiveness. The Cabinet Office provides self-assessment guidance to help organisations to test compliance with the requirements of the Civil Contingencies Act 2004. However, although this guidance includes reference to mandatory functions as well as other advice and good practice examples, its use is voluntary. In reality, few organisations use the self-assessment and we found that some organisations were either unaware of the guidance or did not consider self-assessment to be part of their remit.

[26] Our conclusion is that the performance management framework in Wales is insufficiently robust because there is little scrutiny and self-assessment in place to evaluate the impact and outcomes of resilience activity. Consequently, many of the organisations

involved in emergency planning and developing resilience are not meeting in full their responsibilities under the Civil Contingencies Act 2004. We can, of course, remind ourselves of the examples where arrangements for managing emergencies have worked well so far. Huw mentioned them. However, when these are considered alongside our findings, it does not give us the necessary assurance of good performance in what is likely to be a very uncertain future.

[27] Finally, recent changes to corporate manslaughter legislation and to health and safety legislation have the potential for the managers of organisations involved in emergency incidents to be at increased risk of criminal prosecution: this is if they do not assure themselves that they can meet expectations for their performance during emergency incidents; they are personally liable.

[28] The committee may wish to explore how the organisations charged with planning for and responding to emergencies can demonstrate, including by self-assessment, scrutiny and external review, that they have ownership of their performance, and that their arrangements are efficient, make the best use of resources and demonstrate full compliance with the Civil Contingencies Act 2004.

[29] **Darren Millar:** Thank you for that detailed overview of the report. The Civil Contingencies Act 2004 is a fairly recent piece of legislation. It is post the devolution era, yet, from what you are telling us, it seems to have got it wrong and pretty much ignored the potential role of the Welsh Government when it was being developed. Is that a fair assessment?

[30] **Mr Thomas:** It would be fair to say that we would have expected there to be a clearer role for the Welsh Government in relation to activities in Wales. Clearly, there are some pan-UK activities, for example, the foot-and-mouth-disease issue was a clear case. However, within Wales, one would look to the Welsh Government to take the lead on this. The Welsh Government does step up, but it does so in a vacuum as far as the legislation is concerned.

[31] **Darren Millar:** What discussions were there between the then Welsh Government and the UK Government on the development of the legislation to ensure that its role would be properly recognised? Was there any evidence of that?

[32] **Mr Phillips:** It is not a point that we pursued hugely during our fieldwork. We know what we have ended up with, which is the Welsh Government in somewhere between a supporting role, which it does very well, and a co-ordinating role, which is mentioned in guidance. The guidance was revised last year, so it could be the fact that that guidance has now gone a little further towards clarifying the role for Welsh Government, but I still think it is quite confusing, to be honest.

[33] **Jocelyn Davies:** Of course, back in 2004, there was not a Welsh Government; this was a corporate body and it was the National Assembly for Wales. So, that might have been why things were looked at in a slightly different way.

[34] **Darren Millar:** Do you think that things have improved in terms of how the Welsh Government now has the opportunity to influence the development of legislation at Westminster that might have an impact on it? This is an important issue.

[35] **Mr Thomas:** This is an important issue, but it is to the side of this particular piece of legislation. My hope would be that, given, as Andy said, that the guidance is now increasingly recognising that Welsh Government has a role, when opportunity offers, the legislation itself will be adjusted. I would also hope that there is a better arrangement to ensure that pieces of legislation that impact on Wales are addressed properly in terms of the Welsh Government's

role. However, if I can go back to when I was on the Richard commission and we looked at what was happening across Westminster, we found confusion among the civil service as to exactly what the roles and responsibilities in the then Assembly were. I can imagine that that kind of confusion continues unless there is a constant nurturing of links and the advisers in Westminster, who are responsible for this legislation, fully understand the consequences.

[36] When we undertake pieces of work such as this, which span across Wales and Westminster, we can make some points directly to the civil servants who are administering. That is why I say that I hope that, when this particular piece of legislation is revised, the role of Welsh Government could be better recognised.

[37] **Darren Millar:** Do you have any suggestions as to who we might speak to in terms of bringing witnesses to the table, if we were to undertake an inquiry into this particular issue? As we have already discussed, many of the responsibilities lie with the UK Government—you have the police, the armed forces, potentially, as well as other players, such as the coastguards, which might be responding to emergencies. Clearly, the Welsh Government has no direct responsibility for those services.

[38] **Mr Thomas:** I think that it would be useful to take evidence from the Cabinet Office's civil contingencies secretariat.

[39] **Darren Millar:** Okay. Thank you for that. Aled Roberts has the next questions.

[40] **Aled Roberts:** Hoffwn droi at y strwythurau sy'n bodoli ar hyn o bryd. Mae astudiaeth 2 yn yr adroddiad yn nodi bod argyfyngau yn cael eu delio â hwy mewn nifer o wahanol ffyrdd ar hyn o bryd, ac mae sôn am strwythurau newydd rhanbarthol. Mae sôn hefyd bod taith y fflagl Olympaidd wedi cael ei chynllunio ar lefel genedlaethol yng Nghymru, ac mae esiamplau drwy'r adroddiad o ffyrdd gwahanol iawn o weithredu yn rhai o siroedd Lloegr. A oes gennych unrhyw farn, yn seiliedig ar y dystiolaeth, o ba strwythur fyddai'n fwyaf effeithiol o ran ein problemau ni yng Nghymru?

Aled Roberts: I would like to turn to the structures that currently exist. Case study 2 in the report notes that emergencies are dealt with in many different ways at present, and new regional structures are mentioned. It is also mentioned that the Olympic torch relay was planned on a national level in Wales, and there are examples throughout the report of very different ways of working in some English counties. Do you have any opinion, based on the evidence, about what structure would be most effective in terms of our problems in Wales?

[41] **Mr Phillips:** The structure in Wales need not be the same across the four regions. There are four local resilience fora in Wales, and the WLGA has been working with those fora to try to work out their preferred structure going forward, through the Simpson review. That will bring together local authority emergency planners, based on a resilience forum area. None of the structures that are proposed are exactly the same. There are some common elements, but the current thinking is based around four regions, rather than one Wales region. The four regions maintain a presence in each local authority, because that is the accountability—you cannot get away from it. The legislation is structured in a way that means that the accountability is with the responder, that is, the individual council in the case of emergency planners, and the council chief executive.

[42] However, there would be a bringing together in four different ways, through boards, or through a panel of some sort, to ensure collaboration, to ensure joint working, and to ensure that, hopefully, the performance management of these organisations is scrutinised a little more closely. Ultimately, again, the performance framework for the organisations—for the responders—is a matter for the responder itself; it is a self-monitoring exercise. That is the

structure of the legislation. We do not really have an opinion as to which is best, but we are aware that four versions—all of which may be acceptable to go forward with under the Simpson review—are now on the table, and will be reported to the Simpson implementation group in a few days' time.

[43] **Aled Roberts:** Derbynïaf y caiff y cynlluniau eu trafod ymhen ychydig wythnosau. Mae'r esiampyl sydd yn cael ei grybwill yn yr astudiaeth yn y gogledd yn awgrymu y bydd y rhanbarth honno'n rhannu'n ddwy—un yn y gorllewin, ac un yn dwyrain. O gofio bod trefniadau'r gogledd, o ran yr heddlu, yr awdurdod iechyd—y bwrdd iechyd ac yn y blaen—yn gweithredu ar draws y rhanbarth, ai mater o beth sy'n dderbyniol yn wleidyddol o ran yr awdurdodau lleol sydd y tu ôl i'r penderfyniad hwn i greu dwy is-ranbarth, neu a ydyw'n seiliedig ar yr hyn sydd fwyaf effeithiol o ran ymateb i'r fath broblemau?

Aled Roberts: I accept that the plans will be discussed in a few weeks' time. The example that is mentioned in the case study in north Wales suggests that that area will be split into two—one in the west, and one in the east. Considering that arrangements in north Wales, in terms of the police, the health authority—the health board and so on—operate across the region, is it a matter of what is acceptable politically in terms of the local authorities that is behind the decision to create two sub-regions, or is it based on what is most effective in terms of responding to these types of problems?

[44] **Mr Thomas:** O'm profiad fel prif weithredwr awdurdod lleol yn y gogledd, credaf fod angen yr is-ranbarthau hyn. Dywedaf hyn nid oherwydd bod yn rhaid i chi gael is-ranbarth, ond, o edrych ar faterion sy'n codi o argyfyngau, er enghraifft, y llifogydd yn Nhywyn, Llandudno, ac, yn ddiweddar, sir Ddinbych, rydych yn gweld bod grwpio naturiol yn digwydd.

Mr Thomas: From my experience as the chief executive of a local authority in north Wales, I believe that we need these sub-regions. I say this not because you necessarily need a sub-region, but, if you look at issues that arise from emergencies, for example, the floods in Towyn, Llandudno, and, recently, Denbighshire, you will see that a natural grouping happens.

9.30 a.m.

[45] Mae materion eraill lle y mae'n rhaid edrych ar draws y gogledd, gan dderbyn bod rhai gwasanaethau—yn enwedig yr heddlu, y GIG ac eraill—yn gweithio ar draws yr ardal honno. Yr hyn sy'n bwysig yw, pan rydych yn cynllunio ar gyfer argyfyngau, eich bod yn paratoi eich cynlluniau i fod yn ymarferol. Rwy'n credu mai dyna pam yr ydym yn edrych ar bethau gwahanol sy'n datblygu ym mhob rhan o Gymru pan rydym yn gweld awdurdodau lleol yn cynllunio, fel nad ydynt ond yn dweud, 'Dyma sut rydym yn torri Cymru i fyny'.

There are other issues where we need to look across north Wales, accepting that some services—especially the police, the NHS and others—work across that region. What is important is that, when you plan for contingencies, you prepare your plans in such a way that they are practicable. I think that that is why we are looking at various things that are developing in all parts of Wales when we see local authorities making their plans, so that they do not just say, 'This is how we split Wales up'.

[46] **Gwyn R. Price:** How do local authorities determine what funding to allocate to civil contingencies? Are risk levels or seasonal variations in population taken into account?

[47] **Mr Phillips:** We are not talking about a huge amount of money coming across from the revenue support grant to local authorities—it amounts to just over £3 million, and local authorities end up allocating that according to their particular needs. The assumption is that the funding largely goes with population. However, we are saying that it is suggested that risk is also an element. There is no doubt that, in some counties, population is not the only factor.

Pembrokeshire, for example, has oil refineries and hazardous installations that need to be carefully planned for with regard to emergency planning. That local authority may need a slightly bigger allocation to deal with the risks that could affect the locality. It is a complicated mix; at the moment, I do not think that it is quite right. We certainly could not explain the four-fold difference evident in the expenditure per head of population between certain authorities that we looked at.

[48] **Gwyn R. Price:** Did you see any variation between the seasons due to holiday resorts, caravan sites and so on, which obviously mean that the population goes up and down? Did you see any evidence of more money being allocated in that regard?

[49] **Mr Phillips:** We did not look at that in detail. However, I am aware of that issue. In counties such as Pembrokeshire, for example, and other holiday destinations, there is a massive seasonal influx of population. So, no, we did not see that; I do not think that funding allocation is that refined.

[50] **Gwyn R. Price:** Can you advise us as to the rationale behind the historical decision to change funding for civil contingencies from being provided through grant funding from the Home Office to through the RSG?

[51] **Mr Thomas:** My recollection is simply that the Home Office pulled out of that funding—we are going back a number of years—and that it was then brigaded into the sums of money that would arise through the RSG. Historically, there have been a number of areas that have benefitted from specific grants over the years for civil emergencies. The Home Office funding was one such grant, and there was once a fund in relation to nuclear power provided through the department of energy. So, there have been chunks of money that have been allocated historically, but they were gradually moved into being allocated through the RSG. That was backed up by the broader definition that the Civil Contingencies Act 2004 gave to the role of local government.

[52] **Gwyn R. Price:** Thank you. In your report, you note that local authorities may have to turn to their own financial reserves if reserves dedicated to civil contingencies are inadequate. Does the level of reserves in different authorities correlate with, or in any sense compensate for, the level of resources dedicated to civil contingencies?

[53] **Mr Phillips:** Again, I do not have detailed evidence of the level of reserves in relation to the risks faced by local authorities. I suspect that it is not calculated in that way, and I would suggest that there is not that close a relationship between the two, although that is a supposition.

[54] **Gwyn R. Price:** So, there could really be a hit-or-miss scenario.

[55] **Mr Phillips:** I am making a bit of an assumption there, I am afraid.

[56] **Darren Millar:** I have three Members who want to come in, Aled, Jocelyn and Mike, and I will call them in that order.

[57] **Aled Roberts:** Os ydym yn sôn am wariant, mae esboniad o wariant Cyngor Sir Powys yn ystod y flwyddyn o dan sylw, hynny yw, bod un achos o lygredd. Mae hefyd sôn am y problemau yn Abertawe y flwyddyn ganlynol, a byddwn yn disgwyl i'r ffigur ar gyfer gwariant Abertawe gynyddu'n sylweddol. A oes problem ynglŷn â gwariant

Aled Roberts: If we are talking about expenditure, there is an explanation of expenditure by Powys County Council during the year in question, that is, that there is one case of pollution. Problems in Swansea in the following year are also mentioned, and I would expect the figure for expenditure in Swansea to increase substantially. Is there a

Ile nad oes achos? A oes patrwm o ran rhai cynghorau yn gwario llawer mwy nag eraill? Roeddwn yn gweld esiamplau yma o wariant o achos rhyw argyfwng penodol yn hytrach na phatrwm o wahanol raddau o wariant ar argyfyngau.

problem regarding expenditure where there is not a case? Is there a pattern in terms of some councils spending much more than others? I have seen an example here of expenditure as a result of a particular emergency rather than a pattern of expenditure on emergencies.

[58] **Mr Phillips:** The situation in Powys, as I understand it, was that the local authority faced a clean-up operation after pollution. Of course, having worked in the Environment Agency, I know the cost of clean-ups, but usually it is the local authority or the Environment Agency that shoulders the cost initially and they then seek to reclaim some of that cost from the perpetrator of the pollution, so hopefully the local authority will reclaim some of that. Similarly with Swansea, with the tyre fire, it was an interesting incident, in that nobody had quite thought through a situation like that before. It could have been a lot worse and led to a mass evacuation of a number of households, including my own; we could certainly smell the fire for weeks. Those are two examples of the range of emergency incidents. The financial impact is very difficult to plan for and, yes, it comes down to reserves to see you through the time when you have to pay for the problem and you then look to recoup what you can in terms of getting the costs back. I do not think the level of expenditure and the difference in that is related to much more than staffing costs for each authority. We could probably look at the number of staff, facilities—

[59] **Mr Thomas:** It is important to note that we are not saying in this report that there is no planning going on within individual services for the impact of things such as winter pressures. We would expect highways staff to have undertaken a certain degree of planning for that and, yes, that takes place, but we are looking very narrowly at the expenditure that is taking place on the emergency planning services and it is in that that the issue of whether there are reserves and so on is measured. This is a service that ought to be overarching, looking at what the whole of the local authority is doing in terms of preparing. It should be challenging and asking whether the plans are there, have they been drawn up, have they looked at the risks and so on. What we are saying is that we can see a little bit of that, but we cannot see it being pushed through.

[60] **Aled Roberts:** I accept that, but what I said was that my reading of table 9 suggests that, as far as Powys is concerned, included in the figures is that one pollution incident. We would surely expect that there might be instances where expenditure in any one year is higher because it responds to a certain difficulty. Do we have any information regarding the core level of expenditure, because it is the staffing and the planning level of expenditure that would be more important to me rather than the expenditure in responding to an emergency, which we might consider quite proper?

[61] **Mr Phillips:** I do not have detailed information about the core level, apart from deducing from the graph that, when you take Powys out of the equation, and if you took Swansea out for the similar graph in the year following—and assuming that other authorities did not also suffer similar major incidents—then you have somewhere between just over 55p to about £2.50 per head of population. It is a small spend, but it is an important spend. The cost of this service is not the issue; it is the value of prevention and ensuring good and robust emergency planning services going forward.

[62] **Jocelyn Davies:** I want to expand on the change of funding from the Home Office to the Welsh Government. Do we take it then that the funding was devolved, but not the responsibility? Are we in a position here where the Welsh Assembly Government funds something but is not actually responsible for it?

[63] **Mr Thomas:** Yes, in the sense that the funding comes through the revenue support

grant. Again, yes, in the sense that there is no specific role provided in the legislation, although, the guidance now, as I said, recognises that the Welsh Government has a role. One area that we ought to look at as we develop is ensuring that we have, in Wales, a system that we are comfortable with for the people of Wales, and that that is reflected in the revenue support grants and the way in which local resilience forums work. So, this is about saying, ‘Yes, this is the deficit that we have in the legislation, but there are ways of overcoming that.’ We may need primary legislation, but, short of that, you can certainly maximise this through guidance.

[64] **Mike Hedges:** I wish to go back to the tyre fire in Swansea, which really was an unexpected emergency. I do not think that anyone could ever have expected that to occur. The way in which the City and County of Swansea dealt with that shows local authorities in a very good light. One of the more worrying things was that, until Swansea council offered to underwrite the entire expenditure on work that was being done there, no-one wanted to do anything. If Swansea council had not have underwritten that expenditure, the fire would probably still be burning now. That is a serious problem. Local authorities are seen as the point of last resort; if they do not do anything, the emergency services, such as the fire service, do not want to get involved until someone else has offered to pay. Do you not see that as a serious problem?

[65] **Mr Phillips:** Yes, I agree. That has certainly led to a problem for Swansea. In the heat of an incident, you have to make decisions and someone has to step forward and show leadership. In relation to emergency planning, we know that accountability for decisions made at chief officer level at that particularly authority stays with the individual responder, although the local resilience forum is an arrangement of chief officers and blue-light services that make the delivery of services more efficient and hopefully makes it better. So, yes, Swansea picked up the tab, and it will need to seek funds from other organisations that were involved, or to seek compensation, as best it can.

[66] **Mike Hedges:** It is probably very unlikely that the council will get anything from the people who were initially responsible for the incident. What possibility is there that it will get any money out of the fire service towards this? The only other option that it has is to seek grant funding from the Welsh Government.

[67] **Mr Phillips:** I think that that would be more likely.

[68] **Darren Millar:** Jocelyn, would you like to come back in here?

[69] **Jocelyn Davies:** Yes. My question is about funding again. Mr Thomas, in your report, there is a recommendation that category 1 responders should consider the risks faced in their own area, although I doubt that Swansea council would have thought, ‘Oh, we have this tyre place here, which could be a risk.’ I suppose it is hard for local authorities to assess all of the risks that exist in their areas. However, you say that they should consider the risks in their areas when they prioritise the use of resources in emergency planning. Your report says that the way in which funding is allocated is

[70] ‘inefficient, fragile and therefore potentially unsustainable’.

[71] However, based on your introduction, I thought that you were a bit more optimistic. You mentioned the Simpson review and said that you felt that a meeting with the WLGA last week would ensure future robustness. I had the impression from the report that the situation was potentially unsustainable, but that there is a future robustness that is being guaranteed—or rather, being stated—by the WLGA. Therefore, what more can be done to ensure that we have proper funding allocated and dedicated to emergency planning?

[72] **Mr Thomas:** Again, I think that it should go without saying that every emergency will disclose something for which you have not planned or that you have forgotten to take into account. I can think of some flooding instances where the plans had clearly been to use schools as rest centres. However, if flooding takes place at exam time, you are suddenly confronted with the need to find somewhere else. So, each incident will test the plan and will show different ways of doing things. You learn from each incident. Learning is taking place locally.

9.45 a.m.

[73] I would like to see the Welsh Government playing a role of leading Wales in terms of learning from each incident, making sure that lessons are pulled down. That raises the issue of devolution and the roles that the Welsh Government has. Any member of the public would expect that, if local government fails or if there is a problem locally, the Welsh Government will step into the breach. Under this particular part of legislation, there is a hole. In going forward to improve, we need to see the role of the Welsh Government built, which needs to build on the work that the local resilience fora are doing, which is in the right direction.

[74] **Darren Millar:** Did you wish to add something, Andy?

[75] **Mr Phillips:** Risk identification forms the beginning of the process. You cannot identify every risk; it is impossible. You could not have really foreseen that tyre fire. However, you can plan for the consequences of a major fire, and there are plans for an emergency involving fire. So, you can do consequence planning rather than identifying a specific risk on certain premises. You can start to build up from risk identification. First, you identify the likely hazards in the area and who they will affect. So, you have the problem, the impact, the likelihood and the severity of the impact, and then you can feed that into the planning process. We found at the beginning of the process that risk identification was not great. It was very inconsistent, with different regions looking at risks in different ways and coming up with different answers. We could not justify it. They seem to be thinking about similar risks having a different impact.

[76] **Julie Morgan:** I want to ask you about the human resources involved. You state in your report that there is no consistency in how human resources are used throughout Wales and that it is slightly ad hoc in terms of how people are recruited. Have you considered whether the guidance on the competence of officers should be made statutory?

[77] **Mr Phillips:** There is guidance, but it is not statutory. I am not sure whether there would be an advantage in making guidance on competence levels for emergency planners statutory; I am not sure that it would really be of much help. In particular, the 'National Occupational Standards for Civil Contingencies', to which reference is made in paragraph 2.24, are provided by the Skills for Justice organisation. They are already in place for the police and the fire and rescue service, so they end up in the training for many of the blue-light emergency services already. They are not so widely used by local authorities in Wales. They have been available for some four years, and I think that local authorities in England have picked up this as being the level of competence that they should all strive for. I think that the standard is there. It is not a statutory standard, but it is just a matter of feeding that into a proper performance management framework within Wales. You could enforce it without the need for statutory legislation.

[78] **Julie Morgan:** So, you do not see the statutory bit as important. It is important to implement it in the local authorities.

[79] **Mr Phillips:** The standard is important, but I would say that the statutory bit is probably not as important. You can do it via another route, which would be easier.

[80] **Julie Morgan:** What do you think is needed to make that happen in the local authorities?

[81] **Mr Phillips:** It would be a matter of making local authorities aware that the standard exists, and a kind of voluntary uptake of the standard. When regionalisation happens—and we are only a year or so away from having four regions based on the local resilience fora—these things will be much easier. The opportunity exists for better careers, more opportunities and better performance management frameworks. The regionalisation provides that gateway and opportunities for these things to happen. The organisation structure is slightly fragmented at the moment. Emergency planners are hidden away and may be slightly isolated. They do not have great careers if they are isolated. So, there are plenty of advantages for emergency planners. They should not be worried about this but treat the opportunities as a real benefit for them.

[82] **Julie Morgan:** Are there enough emergency planners? Are they in post?

[83] **Mr Phillips:** You will need to come back to the issue of how many you need, based on the risks that are out there. So, going back to the first part of the equation, which is the community risk registers, these have to identify the risks and then you have to quantify, in planning terms, what needs to be done about those risks in terms of managing them and building up resilience. You then apply the resources that you need to deliver that.

[84] **Mr Thomas:** I think you also have the scale right in terms of regionalisation, which should help. If you reflect back to the pre-reorganisation structure, you will know that there were about a dozen people involved in the emergency planning units of the old counties. When the divide took place that fell to something like one and a half or two people. When you have a dozen people you develop specialisms and have a degree of career path, but when you are down to one or two people it is much more difficult. I am hoping that, with the work that the resilience forum is doing to bring that together, we can actually go back to ensuring that we can offer a better career path. That obviously requires the training.

[85] **Darren Millar:** A couple of Members want to come in now—Jenny and then Aled.

[86] **Jenny Rathbone:** What does the guidance say about how often emergency planning training should take place? There is some mention in your document about the way in which the UK Government had to fund the Taliesin exercise for flu pandemic. What happens at the moment? What does the guidance say? Do these various bodies adhere to it? What do they do with the learning that they get from the training days?

[87] **Mr Weston:** The guidance is that exercise and training events should take place as appropriate. The Welsh Government undertakes these major exercises once every two years. There was the flu pandemic exercise, as you mentioned. Then, locally, there are exercises based on particular identified risks such as control of major accident hazards sites or road traffic accidents. There is an ongoing system of exercising, training and feedback depending on either the exercise itself or, in the case of, say, the Swansea fire, feedback directly on how the incident was played out.

[88] **Jenny Rathbone:** So at least once a year—

[89] **Mr Weston:** It is more of a continuous activity—

[90] **Jenny Rathbone:** So, the senior people who you would expect to be involved in emergency planning are doing an exercise once a year in some form or another.

- [91] **Mr Weston:** Probably more than once a year.
- [92] **Darren Millar:** And of course responding to actual emergencies—
- [93] **Jenny Rathbone:** There is that too.
- [94] **Darren Millar:** Aled, do you want to come in?
- [95] **Aled Roberts:** If the standards have been in place for four years, and if they have already been implemented by the police and fire services—and increasingly, it seems from the footnote, by English authorities—why has not the Simpson review working group actually said to these authorities in the meantime that it expects them to meet these standards, rather than await the magic wand of regionalisation? Has no-one done that?
- [96] **Mr Phillips:** That is a good question. I do not think so. I have not come across it.
- [97] **Mike Hedges:** Could I have a clarification on the Swansea tyre fire first?
- [98] **Darren Millar:** I would rather you concentrate on this.
- [99] **Mike Hedges:** I think that it is important. It was unknown because it was an illegal storage and no-one knew that the tyres were in there, and rubber burns differently to most other substances. Those are two really important points that need to be on the record.
- [100] The question that I was going to ask is this: did your investigation find any information on why reviews of emergency plans have not previously taken place?
- [101] **Mr Phillips:** The legislation is structured the same as the guidance, so it is left to the responding organisation to ensure that it has tested its plans and is fully competent and able to provide the service. So, the Welsh Government has no role to tell local authorities or other respondents that they need to check their plans. There is no oversight, apart from, as you say, the Cabinet Office, which has quite a distant oversight in practice. That is the big gap in Wales. Rather than make it hierarchical, the Welsh Government could potentially perform a very useful role on behalf of the Cabinet Office, becoming the eyes and ears, with the regional structure helping to achieve this, and making sure that standards are maintained. We just need the assurance that, when called upon, these services will work.
- [102] **Darren Millar:** Did you want to ask about the social networking side?
- [103] **Mike Hedges:** It is not just social networking in terms of blogs et cetera—I am also aware that the Environment Agency, which you mentioned earlier, has a method by which it texts people living in an area in danger. That would have been of no use around a normally empty factory where there is a tyre fire. For flooding, and emergencies like that, however, it could become very useful. It could be put out on blogs or local authority websites. More importantly, this idea of instant messaging to lots of people works incredibly well.
- [104] **Mr Phillips:** The scenario you have there with flooding is that once you are aware that you are in a flood risk area, you can ask to be included on a messaging service, and text is a very good and quick way of getting a message out. Twitter seems to be the one that has been winning through over the past year or so—I must admit that I do not use it myself; I am probably too old now. However, most people are communicating on Twitter, and if it is good enough for President Obama to tell the world that he is to remain as President—*[Laughter.]*
- [105] **Jocelyn Davies:** I have seen a lot of rubbish on Twitter. I do not think that I would evacuate my house based on a tweet.

[106] **Darren Millar:** It is very inconsistent in the way in which it is applied, basically.

[107] **Mr Phillips:** There are opportunities. They would need to be rationalised, and you need to be careful, of course, but the world is moving on and technologies are developing. Some of the more established technologies, such as mobile phones, can collapse at times of emergency; the networks can fail, and they do.

[108] **Mr Thomas:** Also, there is the issue of which way you initiate the contact. Do you initiate it through the individual knowing that they are on a floodplain or whatever and taking advantage of the resources to find out what is going on from the Environment Agency, or do you work the other way? That is, you take steps to find out contact details and contact points for people, and then, if an emergency happens, you flood out the information. That is still the pattern for nuclear plants. The question is: should it be applied on a wider scale?

[109] **Jocelyn Davies:** You have mentioned the 2004 Act several times and the fact that there is a deficiency there. What prevents the Welsh Government from having its own legislation for emergencies in the areas for which it is responsible?

[110] **Mr Thomas:** In the areas that it is responsible for, yes, but if you look at an emergency, you need to encompass a range of services, some of which it does not have responsibility for.

[111] **Jocelyn Davies:** Yes, but what you have told us in your report, and what you have told us today, is that some of the emergency services have their plans in place and seem to have professional standards that they adhere to, and that some local authorities are very good, but some are lagging behind and it is not a priority for some, and the funding certainly is not. It therefore appears to me that there is a possibility that there could be legislation from the Welsh Government in the areas for which it is responsible that could sit alongside UK legislation.

[112] **Mr Thomas:** I think it could.

[113] **Jocelyn Davies:** That was more of a statement than a question, I suppose. I have caught Mike Hedges's problem of making statements rather than asking questions. Do you agree with me—[*Laughter.*]

[114] **Darren Millar:** What is interesting, of course, is that the Welsh Government is not a category 1 responder, yet it has all these various responsibilities, including organisations that it is responsible for and which are category 1 responders. It has a role in co-ordinating them, but it is not clear. That is the fundamental message in what you are telling us, is it not?

[115] **Mr Thomas:** It is; yes.

[116] **Darren Millar:** Because it is not clear, nobody really checks on people to make sure that they have appropriate plans and that they are in place. That is the issue in a nutshell, is it not?

[117] **Mr Thomas:** I think that what we have is this: where you have a lack of clarity, there is no real focus, but what we have here is the Welsh Government attempting to do a lot of activities. I am not saying that nothing is happening; what I am saying is that if it had a clear and defined role under the 2004 Act, that would help co-ordinate activities in Wales.

[118] **Darren Millar:** Jenny, I am going to come to you now. I think that we have covered the area that you were going to ask about.

[119] **Jenny Rathbone:** It is not clear to me why the financial constraint on all public bodies that are necessarily involved in emergency planning is not driving collaboration and co-ordination, because it is an obvious area for savings. It is not like closing a library; it is about using money more efficiently. I really do not understand why these local resilience plans are not being embraced as a really effective way of saving money.

10.00 a.m.

[120] **Mr Phillips:** What we have seen in the four proposals for local authorities to regionalise through the WLGA is that there is no huge amount of money being spent on the service area, so there is not a great amount that can be saved. Some of the proposals suggest in the short and medium term that slightly more money might be needed to get the regional structure up and moving. Other proposals suggest that there could be a slight saving, but cost saving is not really the biggest issue in this regard; you can save a little bit on some and you might spend a bit on some others.

[121] **Jenny Rathbone:** Who is responsible for ensuring that these category 1 responders make these local resilience plan a lot more robust?

[122] **Mr Phillips:** Local accountability is fundamental to the legislation. The way in which it was drafted means that it is a bottom-up piece of legislation, so that the individual responding organisation is accountable for its own performance. There are very few provisions, such as a provision for a responder that works in partnership with another responder which they feel is not working very well and falling behind in some way to take High Court action, I think, against that responder. However, that is highly unlikely to happen, but you could take your neighbouring authority to the High Court because you feel that it is not doing what it should be doing. In practice, it is down to the individual authorities, and that is the problem—the oversight is distant and there is a gap in the oversight. We think that the Welsh Government could usefully carry on their good work and supplement it with helping the Cabinet Office with the oversight.

[123] **Mohammad Asghar:** It is a very interesting report, Huw. You state that you

[124] ‘are not confident that the Welsh public sector has set up a sufficiently strong, efficient and effective framework to improve resilience and response to emergency incidents.’

[125] Emergency comes in a couple of categories—one is natural disasters and the other is non-natural human-made disasters. You also say in your report that this is a non-devolved matter. The Welsh Government has a serious responsibility for bushfires and road accidents around the M4, and when the road is totally blocked for so many days, or at least for hours causing traffic jams. There are some serious emergencies. You also mention the lack of funding, which has another serious impact on the ability of emergency services to fulfil the public’s requirements at the right time. Given all these things, do you think that there should be some form of representation of the voluntary sector on the Wales resilience forum, or is the sector as a whole too diverse for this to be effective?

[126] **Mr Phillips:** I think that everyone recognises that the voluntary sector has an important part to play in emergencies, and is hugely respected. However, it has been a problem. Previously, the British Red Cross was a part of the Wales resilience forum but felt that that did not quite work because it could not represent the whole of the voluntary sector. It has come to the point where there is a Wales community resilience group, which comprises the Wales Council for Voluntary Action, churches in Wales and the British Red Cross. The Welsh Government has a third sector unit on that particular group, which is at a slightly lower level than the Wales resilience forum.

[127] There needs to be more thought to make sure that the voluntary sector is represented by the right organisation on the Wales resilience forum, an organisation which can pull in the whole of the voluntary sector at the right level. More work needs to be done to see if the right organisation can be put back into the Wales resilience forum.

[128] **Mohammad Asghar:** If it is decided to conduct an inquiry into the issues raised by this report, would you consider it advantageous for this committee to take evidence from the voluntary sector? If so, from whom?

[129] **Mr Phillips:** If you do an inquiry, you have to go to the main players. I would probably go to the Wales Council for Voluntary Action, who helped us with the report and gave us very useful comments that have helped to shape the section on the voluntary sector. Other potential witnesses would be the British Red Cross, perhaps the churches and the third sector unit in the Welsh Government.

[130] **Darren Millar:** Thank you for that. If there are no further questions, we will draw this item to a close, and consider our options for handling that later on during our meeting.

10.05 a.m.

**Papurau i'w Nodi
Papers to Note**

[131] **Darren Millar:** We have a paper to note from the auditor general. It is an update on our meeting of 2 October, on issues such as financial management procedures, the improvement of procurement arrangements, and an update on some of the discussions between the auditor general and HM Revenue and Customs. I will take it that that is noted.

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd
o'r Cyfarfod
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public
from the Meeting**

[132] **Darren Millar:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(vi).

[133] I see that there are no objections.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10.05 a.m.
The public part of the meeting ended at 10.05 a.m.*