

The voluntary sector is large and diverse, and not all voluntary organisations would want - or indeed benefit from - business continuity advice

It is unlikely that local authorities will be able to charge for promotional materials or awareness-raising materials supplied, which in many cases will not have been requested.

Delegation, or the appointment of a lead authority, does not absolve the local authority of the duty, but merely transforms the mode of delivery. The local authority remains under a legal duty to ensure the programme is delivered, even when a third party is contracted to complete the work.

The Regulations impose a duty on all Category 1 and 2 responders to cooperate and share information on request pursuant to local authorities' duties under section 4 of the Act.

Experience from the Bishopgate and Manchester bombs plus the fuel crisis of 2001 has shown that organisation that have a Business Continuity plan in place are more likely to stay in business and recover quickly in the event of an emergency than those who do not.



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Role of the Local Authority within the Civil Contingencies Act

Business Continuity Planning



Key Facts

The Act requires local authorities to provide advice and assistance to those undertaking commercial activities and to voluntary organisations in their areas in relation to BCM in the event of emergencies (as defined in the Act).

This is a light-touch duty aimed at raising business continuity awareness among those undertaking commercial activities. The Regulations also require local authorities to provide generic advice and assistance to voluntary organisations.

While the Act imposes a duty on local authorities to offer advice and assistance to those carrying out commercial activities and voluntary organisations, it does not impose a corresponding obligation on those organisations to act upon it.

Alternatively, the local authority may give advice and assistance to individual organisations to facilitate the engagement of a business continuity consultant, who may be better placed, to provide the support required. However, undertaking this work is discretionary, and is not a requirement of the regulations

Local authorities should also be aware of professional liability issues when giving specific advice and assistance

The local authority will need to make it clear to firms that the choice of consultant is their sole responsibility, and that the local authority shall not be liable for any damage or loss suffered as a result.

The Act does not require local authorities to give advice and assistance in managing risks that are purely internal to the organisation (e.g. technical, commercial or financial aspects of running the organisation). Nor does it require local authorities to give advice on dealing with smaller-scale incidents. (e.g. minor fires or theft).

Advice and assistance to the business and voluntary sector community at large should therefore focus on generic disruptions that affect a significant part of the community.

However, organisations that recognise the value of BCM planning for emergencies are unlikely to confine their forward thinking to this type of risk only

80% of businesses without a well structured recovery plan are forced to shut down within 12 months of a fire or flood

When deciding how to prioritise when taking forward a proactive programme of advice and assistance, local authorities may need to take decisions about which voluntary organisations to approach, and where to target resources.

The Regulations permit local authorities to make a charge for business continuity advice and assistance provided on request, where this is appropriate, but do not oblige them to do so.