

Shepway District Council

Recovery Guidance

Folkestone

Hythe & Romney Marsh

Shepway District Council



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|-----------|---|----|
| Contents | | |
| Section 1 | Introduction | 6 |
| 1.1 | Aim and Objectives | 6 |
| 1.2 | Scope | 6 |
| 1.3 | Interlinking documentation | 6 |
| 1.4 | Plan Maintenance, Audit & Review | 7 |
| 1.5 | Specific Considerations & Guidance | 7 |
| Section 2 | Specific Roles & Responsibilities | 9 |
| 2.1 | Emergency Phase | 9 |
| 2.2 | Recovery Phase | 9 |
| Section 3 | Rebuilding the Community | 11 |
| 3.1 | Community Impact & Reassurance Issues | 11 |
| 3.2 | Welfare and Housing | 12 |
| 3.3 | Psychological Care | 13 |
| 3.4 | Humanitarian Assistance Centres | 14 |
| 3.5 | Benefits Payment | 15 |
| 3.6 | Caring for the Carers and Responders | 15 |
| 3.7 | Donations of goods such as clothes/furniture | 15 |
| 3.8 | School Closures and Relocation | 16 |
| 3.9 | Continuity of Public Services | 16 |
| 3.10 | Community Liaison | 16 |
| 3.11 | Voluntary Sector Support | 16 |
| Section 4 | Rebuilding the Environment | 18 |
| 4.1 | The Built Environment | 18 |
| 4.2 | The Natural Environment | 18 |
| 4.3 | Pollution and Contamination Issues | 19 |
| 4.4 | Regeneration Opportunities | 19 |
| Section 5 | Rebuilding the Economy | 20 |
| Section 6 | Consultation & Engagement Considerations | 22 |
| 6.1 | Two – way Community Communication & Consultation Channels | 22 |
| 6.2 | Elected Members | 22 |
| 6.3 | Community & related groups | 22 |
| 6.4 | Individuals | 22 |
| 6.5 | Commercial Concerns | 23 |
| 6.6 | Other agencies | 23 |

| | | |
|------------|---|----|
| Section 7 | Insurance, Finance and Legal | 24 |
| 7.1 | Background | 24 |
| 7.2 | Insurance Issues | 24 |
| 7.3 | Central Government, EU and other Funding Sources | 24 |
| 7.4 | Compensation for Oil Pollution Incidents | 25 |
| 7.5 | Disaster Appeals Fund | 25 |
| 7.6 | Legal Considerations | 25 |
| 7.7 | Local Authority audited performance | 26 |
| Section 8 | Specific Media & Communication Issues | 27 |
| 8.1 | Introduction | 27 |
| 8.2 | Local Authority Considerations | 27 |
| Section 9 | Post Incident Procedures | 29 |
| 9.1 | Stand Down Procedures | 29 |
| 9.2 | Post Incident Debriefing (PID) | 29 |
| 9.3 | Formal Enquiry | 29 |
| Section 10 | Commemoration | 30 |
| Appendix A | Hand Over Certificate/Status Certificate | 31 |
| Appendix B | Financial Guidance and Sources of Government Assistance | 32 |
| | Domestic (UK) Financial Aid | |
| | EU Structural Funding | |
| Appendix C | Dealing with Waste and Contamination | 39 |
| | Background and Context | |
| | UK Policy and Guidance | |
| | Other Roles and Responsibilities | |
| Appendix D | Bibliography | 50 |

Section 1 Introduction

In the event of a significant and widespread incident, there may be a requirement for dedicated recovery management capability to deal with the issues facing the community and responders after the emergency phase. At a strategic level, the Kent Resilience Forum (KRF) Pan Kent Emergency Recovery Framework (available at www.kentprepared.org.uk) details the overall approach and key issues related to this subject, however, local authorities will have a key role in leading this work, as well as managing the expectations and contribution of a range of stakeholders. This may include those affected by the incident, politicians, central Government, the emergency services and those with a vested interest in the community.

This document is intended to provide additional specific guidance and advice on the role of Kent County Council and all district councils in this area of work, and should be read in conjunction with the KRF Pan Kent Emergency Recovery Framework.

1.1 Aim and Objectives

Aim

To provide guidance on all aspects of recovery working.

Objectives

- To outline Shepway District Council's and KCC's recovery response capability and the services that may be required, on a singular or joint basis;
- To describe how the recovery processes will be activated;
- To outline the management and communication options and structure that may be considered for recovery working;
- To provide a co-ordinating document referring to, and linking with, individual functional plans, specific recovery management plans and national/local guidance.

1.2 Scope

This document provides specific guidance for recovery.

Timescales

Recovery timescales are unpredictable, depending on the severity of the event, its extent and subsequent consequences. Realistically, all agencies involved should expect the process to take a number of months or even years to complete, as it seeks to address the long term human, physical, environmental, social and economic consequences of emergencies.

1.3 Interlinking Documentation

This document is designed to act as a foundation to Shepway's response and will ensure that it interlinks with the following documents:

- The Pan Kent Strategic Emergency Response Framework
- The Pan Kent Emergency Recovery Framework
- Other KRF Subject Specific Plans

- Relevant Shepway District Council Plans
- National and Regional plans and guidance on recovery

1.4 Plan Maintenance, Audit & Review

This document will be maintained by Emergency Planning within the Leadership Support Team. Auditing, approval and review activities will be conducted by Local Authority Emergency Planning Group (LAEPG). The review date is shown on the cover of this document.

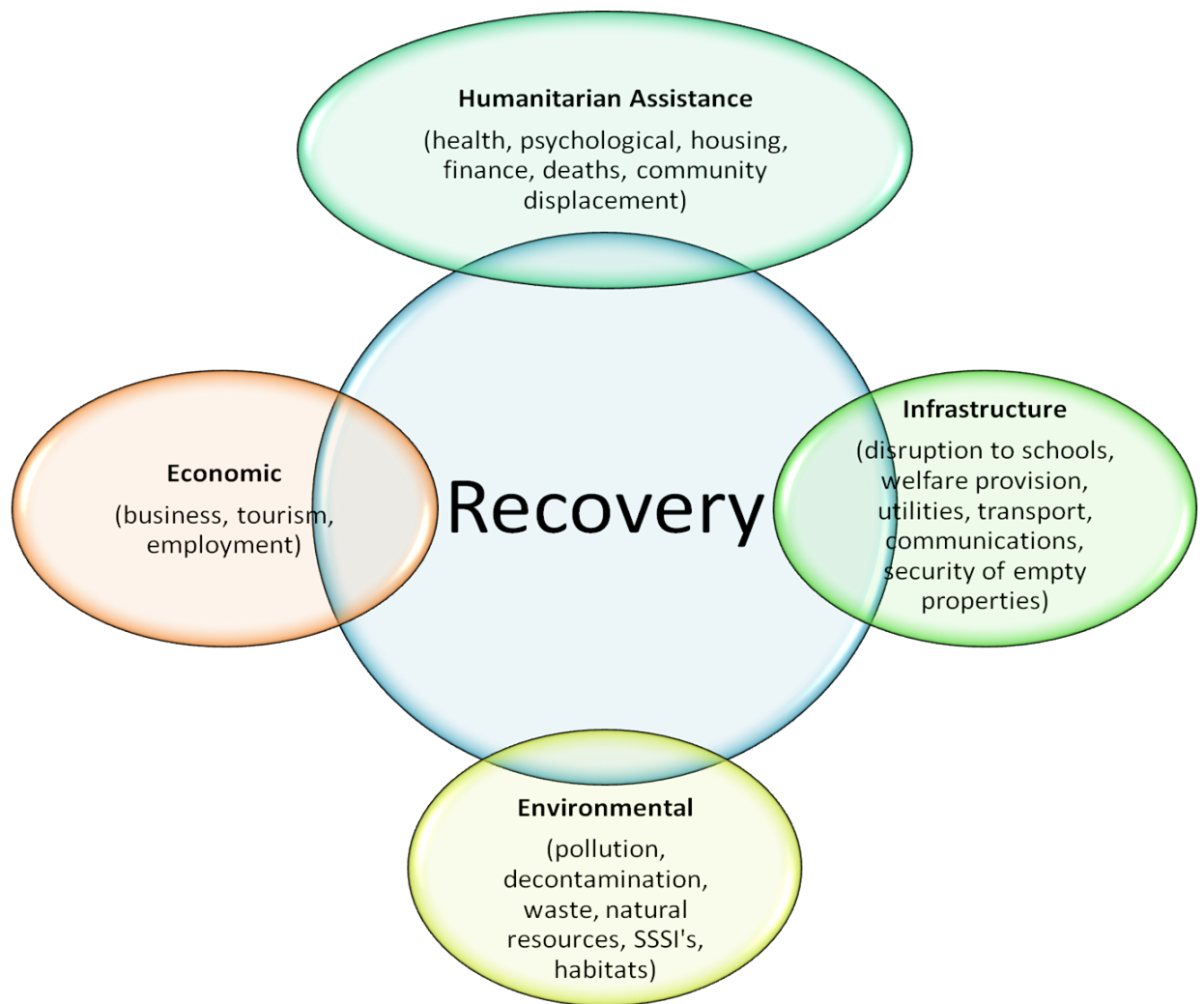
1.5 Specific Considerations & Guidance

The broad strategic considerations associated with recovery working are illustrated in Figure 1 and are covered in the KRF Pan Kent Emergency Recovery Framework. However, to ensure that Shepway District Council understands the impact and scope of our responsibilities, information from Section 3 onwards provides detailed considerations and guidance to support the specific recovery working activities relating to key areas of recovery, namely:

- Rebuilding the Community
- Rebuilding the Environment
- Rebuilding the Economy

Additionally, a range of technical appendices' are also contained within this document to support specific recovery operations.

Figure 1



Section 2 Specific Roles & Responsibilities

2.1 Emergency Phase

During the emergency phase, either KCC or Shepway District Council will provide a senior officer to act as the lead of the Recovery Advisory Group (RAG), providing the Strategic Co-ordination Group (SCG) with:

- Early integration and liaison with the recovery work stream.
- An early assessment of recovery issues.
- The availability of a senior officer to accept handover of the mantle of 'Gold' from the Police Gold Commander when moving from the emergency phase to the recovery phase. The SCG will then become the Strategic Recovery Co-ordinating Group (SRCG).

Due consideration must be given to any specific arrangements relating to recovery if the emergency affects a HSE:Control of Major Accident Hazards (COMAH) site or either of the Dungeness Nuclear Plants. Off-site emergency plans have been created and these are held securely in the Council Offices and are also available on Resilience Direct. .

It may be prudent (depending on the incident) to activate the Council's own strategic level response arrangements to ensure that the council is prepared to fully consider the implications of the incident on the council, its service delivery and subsequent recovery working arrangements.

The KRF Pan-Kent Strategic Emergency Response Framework provides details of these specific arrangements; this is available on Resilience Direct or directly from the Kent Resilience Team.

Hand Over Certificate

A template certificate can be found in Appendix A.

2.2 Recovery Phase

Once the handover is complete, either KCC or Shepway District Council will act as the lead 'Gold' Co-ordinator for the SRCG. In a role similar to the Police Gold Commander, the lead Local Authority (LA) Co-ordinator will manage a strategic capability in overseeing the various work streams and deliverables associated with recovery working, as detailed in the KRF Pan Kent Emergency Recovery Framework. Additionally, Council officers may be required to lead and/or participate in the range of working groups associated with recovery working detailed in Appendix A to A8 in the same document.

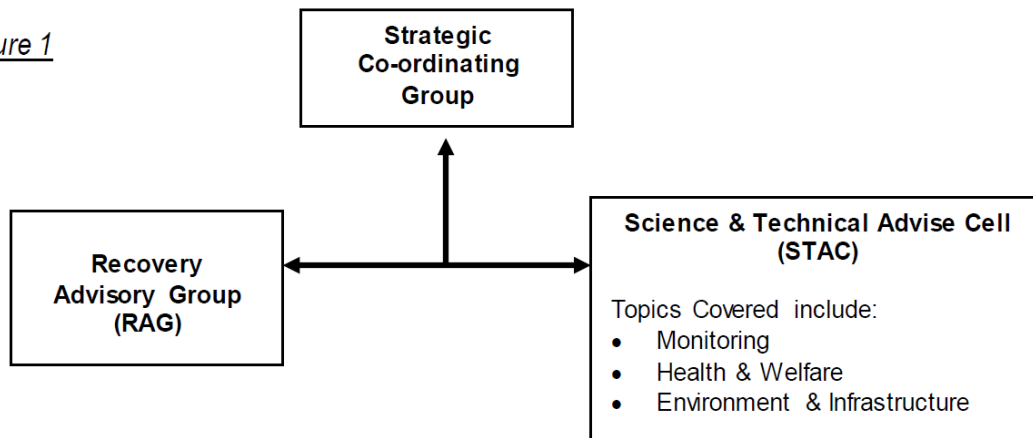
Longer Term Recovery Resourcing

The Council should consider at an early stage the need to suitably resource the recovery process in terms of:

- The specific requirements of the recovery working structure that will be put into place by this document and KRF Emergency Recovery Framework;
- Longer term inclusion of work into Business as Normal (BAN) teams, work streams or activities.

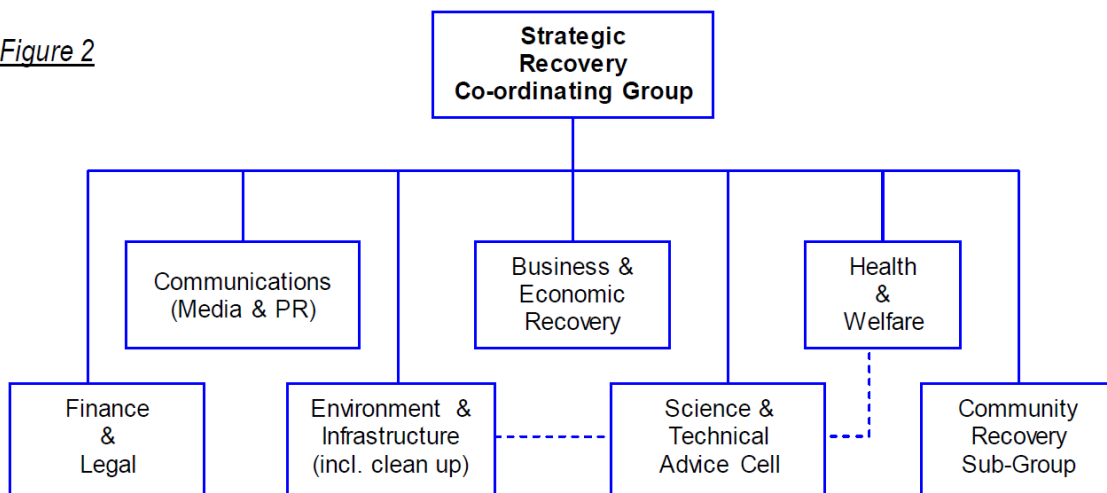
The latter will be important once it has been agreed to stand down the bespoke recovery management arrangements associated with this document and the KRF plan.

Figure 1



The structure for managing the recovery will be flexible according to the incident, its scale and what best suits the particular situation but will be based on the agreed overall structure shown in figure 2. It is acknowledged that depending on the nature of the emergency, it may not be necessary to establish all the sub-groups shown.

Figure 2



Section 3 Rebuilding the Community

3.1 Community Impact & Reassurance Issues

Depending upon the nature and duration of the disaster, a large proportion of those involved may suffer differing degrees of trauma and tension. This may be exacerbated in the early stages if damage is still widespread and/or substantial, and if emergency accommodation arrangements are still temporary. Such effects may be protracted and as a result, may be the longest lasting legacy of the incident.



It is important from the outset that expectations about the return to 'normality' are carefully managed. The normality that people were used to prior to the incident may not be achievable following the incident, so the idea of a 'new normality' needs to be incorporated into communications work from an early stage.

It should be assumed that there are many people who may be feeling shocked, angry and anxious. Clear messaging and reassurance will be a vital component to establish at the early stages of recovery. Using trusted and respected members of the community can help to reassure people who are experiencing such feelings. It is therefore important to keep anyone who could fall into this category, such as MPs, local Councillors and representatives of local community groups and residents' associations fully informed during the recovery phase. Royal visit requests are not uncommon in these situations as a measure to support recovery.

Additionally, the need to provide expertise and support will be vital in dealing with the broad range of requirements of those affected. Agencies will need to provide suitable staff and operational liaison from a wide range of functions at an early stage. Issues that will need to be addressed are likely to include housing, financial, health, transport, employment, benefits, educational, insurance claims and welfare issues. Others may require longer term counselling and psychological support. It should also be recognised that the incident may dramatically affect the viability of personal support networks and mechanisms, such as access to friends, family, neighbours and local carers.

If communities have been relocated (see 3.2), special attention needs to be given to keeping them informed about when/if they will be able to return home. It is vital that attempts are made to ensure that those affected are given this information directly and do not learn about this through the media. Shepway District Council will work together with Kent County Council and other relevant organisations to ensure the correct messages are communicated.

3.2 Welfare and Housing

The welfare of people displaced by the emergency will be the first priority of the Shepway District Council and Kent County Council (KCC). During the emergency itself this will have been catered for by the provision of rest centres and the accommodation of people overnight in hotel and bed & breakfast facilities (or similar). As the incident moves from the emergency to the recovery phase (see Section 2) more permanent arrangements will need to be made for those who cannot return to their former homes, perhaps because of damage.

For those owner-occupiers in the private housing sector who have suitable insurance cover, their insurers will arrange accommodation in temporary rented property (together with the provision of furniture, clothing and other necessities) until their own properties can be made habitable again.

Others, however, who live in rented accommodation and/or who do not have insurance cover are less fortunate and may need substantial welfare assistance. In the medium to long term, therefore, the Council will be required to provide temporary housing, as well as access to the basic services and resources.

If substantial numbers of family units are involved, then the identification of sufficient suitable housing may not be easy. In some cases the only accommodation available may be at some distance from the affected area and may break up existing bonds of friendship and community support, which in turn will lead to other problems. Access to existing or potential employment may also be affected.

Shepway District Council should consider at an early stage how they would deal with large numbers of displaced residents, with the following options offered as a helpful pointer:

- Assimilation into existing housing stock operated by Shepway or its housing partners;
- Drawing on mutual aid from neighbouring authorities to support temporary housing needs;
- Possible commissioning of static caravan park(s) as a medium term measure;
- Extending the use of temporary measures whilst interim solutions are being considered.

It will be vital for Shepway District Council to quickly decide upon a medium term housing solution. As well as addressing the immediate issues surrounding homelessness, a quick decision will also underpin confidence in the authorities' ability to address these needs, as well as assisting in the overall recovery of those affected by the incident.

3.3 Psychological Care

During and following a major emergency, individuals may require a range of support and care services. In particular, victims and their families, survivors, witnesses and the personnel of agencies involved in the emergency response and recovery may need access to a range of social and psychological care interventions.

NHS Mental Health and Social Care have specific responsibility for:

- Making arrangements for debriefing, counselling and psychological support of survivors, the relatives of casualties, and other affected individuals arising from the emergency; and;
- Co-ordinating the activities of agencies and organisations involved in social and psychological care to survivors, relatives and others involved in the emergency.

Social support services will be offered to deal with the impacts of stress and trauma upon involved individuals. Research has shown that through doing so, long term physical and mental health problems may be alleviated and demands on Health and Social Services resources may be reduced.

Social and psychological care incorporates the emotional and practical help that individuals caught up in a major incident may require. This support ranges from providing immediate comfort and practical help through to longer-term psychological support. Individuals may receive support from their family and friends. Any formal response provided by Health and Social Services is intended to complement this. Voluntary sector groups may also be invited to support this work. Additionally, the Health & Welfare Sub-Group may bring to bear a range of resources and expertise from their membership (see 3.6).

For most people involved in a disaster help may only be needed during the rescue phase and the immediate aftermath. Nevertheless, in planning the provision of care the need to make support services available in the medium and long term must be recognised. There may be the need to establish a dedicated support team, or referral services, after an incident. This service may need to be provided for eighteen to twenty-four months and it is therefore essential that funding is identified and protected from the outset.

Broadly speaking the type of care provided will differ with progress through the following three stages of emergency response:

- Impact phase (response led by SDC as local authority welfare and housing services)
- Continuing work (response led by NHS Mental Health and Social Care)
- Longer-term response (led by NHS Mental Health and Social Care).

Such support may be needed over an extended period of time, and the long-term mental trauma caused to individuals may be one of the longest lasting aspects of the recovery process, as, for example, in the aftermath of the North Wales floods of 1990. These could be very long-term issues that require sensitive handling by a

number of different agencies (possibly in different parts of the country) that need to work together closely. More detailed information on this aspect of recovery is contained in the 'Guidelines on the Provision of Social and Psychological Care in Emergencies', produced by the NHS, KCC and Medway Council.

The provision of support to public will include emotional support from Social Services, the NHS and other related groups, as well as practical advice and assistance. The establishment of readily identifiable points of contact, such as telephone help-lines, drop-in centres, leaflets and newsletters should be considered.

Although ideally people who have been displaced by the incident should be returned home as soon as possible, consideration may need to be given to providing them with longer-term temporary accommodation. There may be sensitivities surrounding the location, type and standard of accommodation that need to be taken into account.

3.4 Humanitarian Assistance Centres

The SCG may have involved the establishment of a Humanitarian Assistance Centre (HAC) to provide emotional care and welfare for both the survivors of the incident and the relatives and friends of those who have died, or were seriously injured. It is important to emphasise the broad inclusiveness of the centre – that it is not just for the bereaved and injured.

Although in theory such a centre has only a limited life, a year after the 7th July 2005, London bombings the HAC established as part of the response found itself busier than ever, albeit in modified form. The HAC organised 'moving on' sessions to try to help its clients to achieve some form of 'closure', and encouraged the formation of self-help groups. It also developed a website, which indicates a restricted section accessible only to those who were injured.

In the longer term, if the displaced community has a temporary geographical focus the district council may seek to establish a 'drop in centre' or 'one stop shop' in the area, staffed by representatives of all the agencies involved, where people can attend to seek a resolution of any problems. This might be established initially as an element of a Humanitarian Assistance Centre, if one has been set up. The facility can also act as focus for informing the community of the progress of the recovery process and for consultation on the direction that this may take.

It is also worth considering that depending on the nature of the incident, that a specific centre for information and support may be quite daunting and potentially traumatic for people. In certain circumstances, it may be better to provide information and support in centres already available to become mingled with everyday services.

The KRF have a dedicated plan for such a centre, entitled the KRF Humanitarian Assistance Centre Plan which should be referred to this is available on Resilience Direct.

Additionally, the Health & Welfare Sub-Group may bring to bear a range of resources and expertise from their membership.

3.5 Benefits Payment

People who are evacuated from their housing as a consequence of an emergency may suffer immediate financial hardship, if only temporarily because cash, cheque or benefit books have been left behind as a consequence of the stress of evacuation. The Department for Work & Pensions has arrangements in place for Job Centre Plus staff to attend rest centres to meet clients and arrange for crisis loans to be made to alleviate suffering in such circumstances. This work may be supported or coordinated by the KRF Humanitarian Welfare Group and may also be linked in with the HAC arrangements (see above).

Additionally, Shepway District Council's Benefits Team should consider what assistance it can provide following a major emergency.

Uninsured Clients

There may be a need to support those without adequate insurance cover. In these cases, there will need to be a capability to process these claimants quickly and efficiently through the normal process of benefits and support assessment & payment. This could be undertaken through normal district council and other agency processes or through special arrangements within these agencies independently or at the Humanitarian Assistance Centre (see 3.4).

3.6 Caring for the Carers and Responders

Emergencies place enormous demands on all involved in the response and recovery effort. Pressure of work may sometimes be sustained over long periods. The council needs to ensure that it looks after the physical, emotional and psychological welfare of staff – managers should be trained in what to look out for both in the short and longer term.

It should not be forgotten that the responders to the emergency (both in the immediate and the recovery phase) may be deeply affected by it, and may indeed themselves be members of that community.

This work may be supported or coordinated by the Health & Welfare Sub-Group.

3.7 Donations of Goods such as Clothes and Furniture

Past experience of incidents where people have been made homeless and their belongings destroyed suggests that following such events there may be an influx of donations of clothes, furniture and other household equipment. The council should consider the need for these donations to be stored, identified and catalogued in such a way that they can be monitored, accessed quickly and easily for distribution when a need has been identified.

These donations may be in quantities large enough to cause substantial storage and management problems. Donations will need to be acknowledged, and a mechanism put in place for the disposal of surplus material once needs of the local community have been met.

Due consideration should be given to voluntary sector support for this activity, as many voluntary sector agencies and groups either carry out this type of work as part of their remit to support their local communities, or as part of their fund raising activities.

3.8 School Closures and Relocation

Schools may well be damaged during an emergency. During the recovery phase it is possible that part or all of the school premises may not be able to open. This raises a number of issues, especially so during the exam season, when relocating staff and pupils may be particularly challenging.

School business continuity planning should have commenced during the emergency phase and KCC should ensure that this activity is being conducted and alternative arrangements communicated accordingly.

3.9 Continuity of Public Services

The Council should ensure that suitable business continuity arrangements are deployed to continue the delivery of critical services to the affected community. Naturally, the extent of the damage caused by the emergency may have removed people from the area, however, due consideration should be given (where applicable) to the temporary relocation of key services or other temporary arrangements. These should be communicated accordingly via business as normal channels and/or through the Communications Sub Group processes.

3.10 Community Liaison

Early consideration should be given to the establishment of a local housing office close to the scene of the incident to act as a key link between the local community and the local authority. Experiences from the Doncaster Floods of 2008 show that this has a positive effect, as those displaced had a physical office presence and a team of personnel they could visit during office hours if they so wished. Indeed, feedback suggests that the confidence in the authority increased dramatically, with a number of community safety indicators, such as crime reduction, improved as a result of this measure.

Workshops can also be held to address individual or collective issues, ideally in community facilities. This may be useful if one particular issue is causing concern for a large number of people, allowing more in-depth discussion of the issue.

In addition to these measures, consideration should also be given to the Local Authority establishing a helpline that people affected can contact to talk through the problems they are experiencing with someone who can help and advise them.

3.11 Voluntary Sector Support

As well as involving Kent local authorities and local health services, thought should also be given to inviting voluntary organisations, such as the British Red Cross, RVS, Salvation Army or the Samaritans to support the broad range of services to support the community. These organisations and others are coordinated through the Kent Voluntary Sector Emergency Group. They may be deployed formally through specific humanitarian assistance measures (see above), or may be able to provide helpful, additional services as part of their normal operations. Support should be requested via the SRCG to ensure that the strategic level of the recovery process is fully aware of the involvement of the voluntary sector.

Section 4 Rebuilding the Environment

4.1 The Built Environment

In parallel with the rescue phase, immediate attention will be given to ensuring the safety and stability of any structure (such as houses, office blocks, bridges, etc.) which have been affected.

After the police have released the affected area from any scene-of-crime restrictions, there may be a need to consider the clearance of debris and the reinstatement of the built environment generally, especially if this involved repairs to or the rebuilding of people's living accommodation. Consideration and possible priority may also be given to transport infrastructure, together with repairs to business, commercial and manufacturing premises in order to restore the economy of the affected area.

Widespread damage may lead the local authority and its partners taking the opportunity to review planning priorities for the affected area. There may also be public pressure to use the opportunity to improve the local environment. However widespread the damage, this may be the simplest and most straightforward aspect of the recovery process. Appropriate consultation with the local community should be considered at an early stage.

The removal of damaged fittings from historic buildings may reveal a range of deep-seated structural problems. English Heritage may be able to assist via the Heritage Economic Regeneration Scheme, under which grant aid may be obtained for the repair and enhancement of historic buildings in commercial use.

This will not be a speedy process. At this stage of the recovery, the visual appearance of the affected area may be the public's only measure of reconstruction activity – a lack of physical change may be perceived as inaction. The more time that passes following the conclusion of the incident, the greater the public's expectation of progress. Therefore, communication with the community and the managing of expectation is vital in building public confidence in the recovery process.

Both KCC and Shepway District Council should consider the deployment of emergency planning consent and building control measures to assist in this work.

Close integration or participation with the Community Recovery Sub-Group, the Business & Economic Recovery Group, the Environmental and Infrastructure Group and the Communications Group. If none of these groups have been established, it will be essential to ensure that the SRCG are fully informed of this work.

4.2 The Natural Environment

Recovery of the natural environment following a disaster may be a complex and long drawn out matter. The process may take many years and much of it might in fact occur naturally; however there will inevitably be public pressure for human intervention to speed up the process. Such environmental damage may result from natural causes, for example high winds or flooding (both fluvial and coastal), or from

human activities. Examples of the latter might be chemical or oil pollution, release of radiological material or outbreaks of human or animal diseases. The recovery process may be guided by legislation, for example that which relates to nuclear installations and may require the establishment of specific Environmental and Infrastructure Groups to advise and support the process.

4.3 Pollution and Contamination Issues

It is widely recognised that incidents involving the above agents are always a possibility (albeit remote), and that plans for the response to uncontrolled releases of toxic material and for the spread of contagious infections are in place.

Areas which have suffered from Chemical, Biological, Radiological, Nuclear and Explosive (CBRNe) contamination as a consequence of an emergency will present particular recovery challenges. Although the acronym 'CBRNe' is often linked with terrorist activity, a major accident at a chemical plant or a nuclear installation could result in contamination of buildings and the environment that require a specialist response. However, a non-malicious accident at an industrial site may also result in contamination of the local area. Additionally, shoreline pollution may be the prominent issue if the incident involves shipping.

The technical issues relating to recovery will be primarily dealt with by the Scientific & Technical Advisory Cell (STAC), providing advice and analysis to the SRCG and partner agencies. Councils may be required to assist with a range of activities, such as:

- Public assurances on health and contamination issues
- Supporting the public health activities
- Environmental health issues
- Future planning and building control issues
- Contamination waste disposal
- Ground contamination issues.

Guidance on recovery from specific hazardous site plans, shoreline pollution plans and flood plans should be referred to as required, these are available on Resilience Direct.

4.4 Regeneration Opportunities

Due consideration should be given by all affected authorities to the opportunities presented by longer term regeneration of the affected area. Regeneration affords an opportunity to transform and revitalise the physical, social and economic environment of the affected area, and should be considered accordingly. Naturally, this will be a longer term consideration which will require extensive consultation and debate, but should be considered as a possibility at an early stage.

Section 5 Rebuilding the Economy

Virtually any incident of any significance is likely to have an economic impact of some sort, however small. This may range from a direct affect on local business and commerce, through to the perception generated by media interest (e.g. Lockerbie or Dunblane) and its longer term effects on reputation and association with the area. The incident itself may be relatively localised, for example the flooding of shops in a low-lying area of a town, but publicity may lead to a public perception that all shops in the town are closed for business. Consequently, a concerted publicity campaign may be required in at least the short term to aid economic recovery.

The economy of an area is likely to be multi-faceted. Obvious areas are manufacturing, commerce and retailing, but for some geographical areas tourism (which is particularly reliant upon the efforts of a large number of small businesses from B & B accommodation, hostels, cafes and restaurants, souvenir shops to visitor attractions) may dominate. Heavy coastal oil pollution will adversely affect the fishing industry as well as tourism. Agriculture, too, may be affected, and in turn may affect other sectors – the Foot & Mouth disease outbreak in 2001 being a case in point. In this outbreak, in Cumbria the desire of the farming community that the countryside should be ‘closed’ to visitors (to reduce the risk of the disease spreading) conflicted with the wish of the local tourist economy that it should be publicised as being ‘open’ in order to support the tourism economy.

A key factor in economic recovery will be the ability of individual businesses to recover through the use of their own resources, through the implementation of the business recovery plans which they should have developed and tested in advance of the trigger incident. Experience has shown that a very high percentage of businesses which suffer a major disaster and which do not have business recovery plans in place go out of business within a year of disaster.

The promotion of business continuity planning within the local business community is essential if business and the local economy is to recover rapidly. This is, of course, required of local authorities by the Civil Contingencies Act 2004. Promotion, however, there is no guarantee of uptake – many businesses may take the view that their insurance will take care of any problems and others will assume that ‘it will never happen to us’. Therefore, all agencies should recognise that many community based businesses may not be as prepared as they could have been.

The economy of the council may be affected adversely, for example by the (temporary) reduction in council tax income if damaged buildings have to be left vacant or be demolished prior to rebuilding or redevelopment. In the Boscastle floods, the council owned car park was destroyed and revenue stream disrupted for several months. Even after the car park was reinstated, the council’s income was reduced because it lowered charges in response to an appeal from businesses in the village for this to be done to encourage tourists to return – the overall economy of the village being almost wholly dependent on tourism.

All local authorities will have a key role to play in supporting economic recovery and confidence building process. Due consideration should be given to:

- Providing access to support funding (via local or national processes)

- Providing access to broader advice and support to the local business community, possibly working with local Chamber of Commerce
- Deploying flexible arrangements on business rate revenue collection
- Instigating campaigns to promote the return of local commerce and tourism.

It is likely that either KCC and/or Shepway District Council will be required to chair the Business and Economy Recovery Group, which will lead on this area of work.

Section 6 Consultation & Engagement Considerations

Consultation and involvement with the local community will be an essential element of reconstruction, as will an effective public information strategy. To address this aspect, the KRF Pan-Kent Emergency Recovery Framework recommends the establishment of Community Recovery Sub-Group (CRSG). However, there may be a requirement to provide further access to the consultation process.

6.1 Two-way Community Communication & Consultation Channels

Experience suggests that a public meeting is necessary for people to be able to air their concerns and opinions. It is vital this meeting is as structured as possible. It should be attended by senior representatives from the relevant agencies, who can give a presentation on the situation and answer questions from members of the public. They will need to be clear about the multi-agency actions and messages.

Establishing neighbourhood forums or drop in points is an effective way of allowing members of the public access to information and advice on the wide range of problems that they may be experiencing. These should either be based in the area affected or in the area where the community(ies) have been relocated.

Consideration should be given to the use of mobile units, if other facilities have been rendered unusable. If the incident covers a wide area, it may be more appropriate to set up a one-stop shop in a central location easily accessible by public transport.

Due consideration should be given to the establishment of local authority feedback mechanisms via dedicated web-pages, social media and contact centre help lines.

6.2 Elected Members

Elected members, whether at county, district or parish level, will probably be involved with a range of community organisations, school governing bodies, local charities and other groups. They can be a useful resource in providing support within the community and in giving specialist advice about the affected area. There may be a requirement for the CRSG and/or the lead authority to account for these views.

6.3 Community and Related Groups

Special interest groups may already exist within the local community, or may arise as a consequence of the incident, and these will need to be consulted regularly in both the planning and implementation stages of the recovery. If these groups cover an effective cross-section of the community then they will provide an efficient forum for consultation throughout the recovery process.

6.4 Individuals

Many members of the community may not belong to recognised groups, but should still be given the opportunity to make their views known. This can be done using the various strategies, including social media, website, written feedback and public meetings.

6.5 Commercial Concerns

Commercial and industrial concerns are likely to play a central role in the local economy. They may look to the local authority to help to alleviate disruption to their businesses and will have views on the objectives of recovery. The council's economic development section will already presumably have strong contacts and these can be built upon as part of the consultation process. Due consideration should be given to involving local Chamber of Commerce in this process.

6.6 Other Agencies

Depending on the nature and location of the incident, many other statutory bodies may be involved. They may include the Environment Agency, water companies, transport operators, Historic England, English Nature and many others, most of which will have existing links with the authority.

Section 7 Insurance, Finance and Legal

7.1 Background

Section 5 of Shepway District Council's Major Emergency Plan provides details of any emergency plans relating to these areas and should be referred to at an early stage.

The way in which the financial management of the overall recovery process is carried out will be central to its final success. It can be divided into two parts – the cost of delivery of the initial 'rescue' phase and that incurred over the more long drawn out rebuilding process. Both stages will demand detailed record keeping and the close attention of the Council's Finance Team. It is likely that the Finance & Legal Sub-Group of the SRCG will be established to oversee these considerations. Council participation will be essential, therefore relevant finance, legal and insurance officers should be engaged at an early stage.

7.2 Insurance Issues

In the event of a high hazard site causing the need for clean up and recovery, the operator and its insurance company should be engaged with at an early stage. Details of how this link is established should be detailed in the relevant offsite plan.

Residents, commercial buildings and council owned properties affected by the incident are likely to have their own insurance arrangements in place, therefore, in many cases, restoration of property, etc., will be dealt with on a case by case basis. However, it may be prudent to factor in a liaison capability with the insurance industry if the incident has left widespread and/or long term damage.

There may be a need to support those without adequate insurance cover. In these cases, there will need to be a capability to process these claimants quickly and efficiently through the normal process of benefits and support assessment & payment. This could be undertaken through normal district council and other agency processes or through special arrangements within these agencies independently, or at the Humanitarian Assistance Centre (see 3.3)

Specific guidance on Oil Pollution cost recovery can be found in section 7.4. In all cases, contact should be made with the council's Insurance Officer and/or Finance Officer.

7.3 Central Government, EU and other Funding Sources

Grant aid funding may be available from a variety of central government and European funds and initiatives, either tied directly to the recovery process or to new development opportunities which may emerge as a consequence of the recovery process. Further information and guidance on these sources is provided in Appendix C.

7.4 Compensation for Oil Pollution Incidents

For coastal councils, such as Shepway that have suffered oil pollution damage from shipping, perhaps as a consequence of the grounding or sinking of a vessel, there are international compensation schemes in existence for damage caused by spills of persistent oil from laden tankers.

Claims for compensation for oil pollution (including clean up costs) may be brought against the owner of the tanker that caused the damage or directly against the owner's Protection & Indemnity insurer. The tanker owner is normally entitled to limit his liability to an amount that is linked to the tonnage of the tanker causing the pollution.

The International Tanker Owners Pollution Federation (ITOPF) and the International Oil Pollution Compensation Funds (IOPC Funds) are part of an international regime of liability and compensation for oil pollution damage caused by oil spills from tankers. Under these regimes the owner of a tanker is liable to pay compensation up to a certain limit for oil pollution damage following an escape from his ship.

The schemes are financed by levies on certain types of oil carried by sea. Anyone who has suffered such pollution damage may make a claim for compensation. Information on the types of claims that are admissible can be found in the Funds' Claims Manuals.

Local authorities (and other claimants) need to be aware that a detailed breakdown of clean-up costs on a day-by-day and beach-by-beach basis will be required to be submitted if a claim is to be successful.

7.5 Disaster Appeal Funds

Depending on the emergency, it may be applicable to establish an appeal for financial donations to support the relief efforts. This will be a matter for the SRCG to decide if this is an appropriate thing to do, in consultation with local authorities and the voluntary sector. In particular, the British Red Cross Society offers comprehensive guidance on the setting up and administration of such schemes, and this should be consulted at an early stage. Guidance is also available through The Charity Commission (www.charitycommission.gov.uk).

7.6 Legal Considerations

Analysis of major incidents is now accompanied typically by legal considerations. There may be questions of financial reimbursement, but there may also be litigation – either arising from the incident itself or from the way in which the response to it was managed. It is essential that comprehensive records are kept of decisions, actions and expenditure, since litigation may continue for several years.

Such processes may be extremely drawn out. They may include coroners' inquests, public enquiries, judicial enquiries and litigation. Shepway District Council will need to maintain comprehensive audit trails and records of financial and other decisions and actions.

Early engagement with local authority legal departments is essential and should be considered as an early action.

7.7 Local Authority Audited Performance

As a consequence of the effects of a particular emergency, local authorities may find their audited performance against targets and indicators in various regimes suffers. For example, clear up operations increase the gross tonnage of waste disposed of by local authorities, which thereby reduces the percentage of total waste recycled.

Council's should ensure they contact the relevant regulatory or auditing body to arrange a suspension of these targets or requirements.

Section 8 Specific Media and Communication Issues

8.1 Introduction

Media and Communication will be an essential element of response and recovery, and it is likely that the KRF Media & Communications Plan would have been invoked during the emergency phase. It will be essential to understand the key messages in place at the time of handover and the views of all relevant agencies on longer term strategy.

It is also likely that the Communications Group, as detailed in the KRF Pan Kent Emergency Recovery Framework, will be formed to support this process.

8.2 Local Authority Communication Considerations

In summary, the following should be considered with respect to local authority communications during the recovery phase:

Short/Medium Term

- Accommodation advice and guidance to those displaced
- Access to emergency benefits and financial support
- Critical service continuity and/or alternative arrangements
- Specific messaging regarding social care activities and support
- Help centre locations, including the location and services available at the Humanitarian Assistance Centre (if established)
- Waste and clean up advice and information
- Other assistance measures that may be available to clients, including telephone help lines, web links and other special arrangements.

Medium/Long Term

- Longer term accommodation advice
- Clean up progress
- Longer term political and operational views and plans
- Consultation processes
- Longer term recovery or regeneration plans
- Mitigation plans
- Public enquiry or investigation details
- Longer term support arrangements
- Restoration of key services.

When considering media & comms recovery issues, there will be a broad range of individuals, families and businesses that would have been affected in different ways with different impacts. Each will have different needs and there will be different ways of reaching each group. There may be help from unexpected sources, but there may also be times when individuals feel that they have been left to cope on their own. This is something that the communications team should seek to address and minimise.

In order to communicate with those affected a range of communication channels should be considered, including leaflets, magazines and websites. The Communication Sub-Group will be able to advise on the best mediums.

Section 9 Post Incident Procedures

9.1 Stand Down Procedures

The Chair of the Strategic Recovery Coordinating Group (SRCG), is normally a function carried out by Kent County Council or the Kent Resilience Team dependent on the scale of the emergency, The Chair in discussion with all group members will decide when it is appropriate to scale down and stand down the Group. The needs of the community will be key to this decision.

The length of time that the SRCG is required to continue meeting will vary according to the nature and scale of the emergency. Some emergencies may have long term issues to consider, such as health monitoring. The SRCG will stand down once there is no longer the need for regular multi-agency coordination and the remaining issues can be dealt with by individual agencies as a part of their normal business. Depending on the recovery issues being addressed, it may be possible for some of the RCG Sub-Groups to stand down prior to the main SRCG standing down.

The decision to stand down the SRCG will be communicated to all affected agencies by the SRCG Chair. Due consideration on how longer term work streams will be assimilated or managed within business as normal activities should be confirmed ahead of stand down.

9.2 Post Incident Debriefing (PID)

PID is an essential function for two reasons:

- To gather Post Incident feedback from the relevant responders on the implementation of the plan and procedures within it. This will assist with the Post Incident Review process and allow lessons learnt to be identified and future improvements to be discussed.
- To enable people to discuss their personal involvement and for managers to identify if further support is required.

The KRF Incident & Debrief Protocol should be used as a basis for this process. It is likely that both a multi-agency debrief process and single agency debriefing will be conducted.

9.3 Formal Enquiry

There is likely to be some form of internal or external formal enquiry, possibly a public enquiry. The Council should ensure that a record of all action taken is maintained to provide a complete record of all activities, decision, costs, etc that have been incurred throughout the emergency, and ensure they are in a position to assist with, and contribute to, any formal enquiry (refer to section 7.6).

In order to communicate with those affected a range of communication channels should be considered, including leaflets, magazines and websites. The Communication Sub-Group will be able to advise on the best mediums.

Section 10 Commemoration

The nature and severity of the initial incident will determine not only the degree of media interest but also the extent of public reaction to it, both locally and nationally. In the immediate aftermath, there may be a call for the establishment of a book of remembrance for people to enter their condolences, and a likely location for this may be the local town hall. When entries in it start to tail off then a permanent location for it will be needed – perhaps in the county records office or local history study centre.

In recent years, the habit has developed for people to deposit wreaths, bunches of flowers and other tributes at a location (which often becomes identified spontaneously) adjacent to the incident scene. This in turn becomes a focus for further visits. If this site is situated where it causes e.g. traffic management problems then it may be desirable to relocate it somewhere close by where access can be managed more easily – this transfer itself may require delicate handling in order not to cause offence and distress. In the longer term this ad hoc memorial will need to be cleared away; in at least one recent major incident all the memorial cards were preserved and pasted into an album for preservation and the flowers themselves composted and eventually put on the memorial garden that was laid out.

In due course, a memorial service may be held, to which next of kin and friends of the deceased will be invited. Also represented will be participants in the response and representatives of the responding agencies, as well as of the community in general. Depending upon the scale of the incident, royalty and members of the government may also attend, which in turn will generate increased security concerns as well as raise the media profile of the event. Preparations for such occasions should involve all relevant faith communities, representatives of the bereaved, advisors on media coverage and the community, dignitaries and those who provided different aspects of the response.

In the longer term there may be feeling within the community that some form of permanent physical memorial should be set up to commemorate the incident and those who suffered as a consequence of it. In earlier years such permanent memorials would probably have taken sculptural form – more recently, memorial gardens close to the incident site have been favoured (e.g. Lockerbie, the Ladbroke Grove rail crash and the World Trade Centre in New York). Such memorials form a focus for remembrance and can play an important part in the grieving process for those who have lost relatives and friends. It goes without saying that the local community, and especially the bereaved, should be consulted fully on the nature and form of any proposed memorial. It will need to be borne in mind that (unless the memorial is financed in some way from a public appeal) there will be both constructional and ongoing maintenance costs (a run-down memorial will attract negative comment) and these will need to be considered.

Shepway District Council is likely to be seen as a focus for the co-ordination and management of all these activities, and will be expected to play a major part in their organisation.

Appendix A – Hand Over Certificate/Status Certificate

Upon this Status Certificate being signed by both the District/County Council and Kent Police, the command and control for dealing with the aftermath of the incident _____ is to be taken over by _____ District/County Council.

In addition to any requirements laid out in specific contingency plans relevant to this incident:

1. There is no known further risk to life specific to this incident.
2. The circumstances dictate that it is more appropriate for the control and co-ordination to rest with _____ District/County Council, since it has been agreed by all agencies involved that the recovery phase has now arrived.
3. There are no serious public order or crime prevention issues which impact on the overall strategic co-ordination of the recovery phase.
4. Kent Fire & Rescue Service, together with the South East Coast Ambulance Service, are now operating at a level which does not necessitate a Strategic (Gold) Command to co-ordinate and facilitate their activity.
5. There are no known scenarios which may give rise for the requirement to reinstate Strategic (Gold) Command in the foreseeable future in relation to this incident.
6. District/County Council is confident of taking over and has in place the strategy and action plans to continue, in a seamless manner, the actions previously managed by Strategic (Gold) Command.
7. District/County Council is satisfied that it has the infrastructure and processes in place to take over co-ordination from the Police.

Signed: _____ District/County Council

Date and Time: _____

The signatories below have read and acknowledge the contents of this Status Certificate.

Kent Police _____

Kent Fire & Rescue Service _____

Appendix B – Financial Guidance and Sources of Government Assistance

Depending on the nature, scale and severity of the emergency, government may be able to offer advice and assistance to local responders in undertaking recovery work.

DOMESTIC (UK) FINANCIAL AID

There are a number of organisations and funding schemes (either operated by or accessible through the UK government or the Welsh Assembly Government) that may help local responders meet the extraordinary financial costs incurred during the response to, and recovery from, an emergency. The schemes which are most likely to be relevant are described below. For further information on the schemes listed below or other forms of emergency assistance, local responders should consult their Government Office or the Welsh Assembly Government.

The Bellwin Scheme Qualifying Emergencies

This is a discretionary scheme for providing central government financial assistance in exceptional circumstances to affected local authorities in the event of a major emergency. The scheme may be activated in any case where an emergency or disaster involving destruction of or danger to life or property occurs, and where as a result local authorities incur expenditure in connection with the response. However, there is no automatic entitlement to assistance and each case will be judged on its circumstances. It is important to note that payment will only be made for expenditure where insurance cover is unobtainable, and historically the scheme has usually been used to cover weather related claims. The threshold level for claims relates to the local authority's annual expenditure, and payment would normally be made at a rate of 85% of recoverable expenditure. Fuller information on the scheme is given at the end of this guidance document in Appendix 3.

This guidance cannot cover every possible set of circumstances, and Ministers will need to make a separate decision following any major incident. However the following paragraphs give an indication of the type of incident that is likely to lead to the Office setting up a scheme.

Bellwin has traditionally been seen as a response to incidents in which bad weather caused threats to life and property beyond all previous local experience. Although the law does not rule out other types of incident, the Department expects that the scheme will continue to apply predominately as a response to bad weather incidents that occur within the area that the scheme covers. It is unlikely to set up a scheme in response to events in areas where the Government makes specific provision. In these cases, authorities are expected to deal with some rise and fall in expenditure demands within the money allocated to the spending programme concerned.

Who can claim?

Any Local Authority as defined in Section 155 of the Local Government and Housing Act 1989 may make a claim, i.e.:

- A County Council
- A District Council
- A Police Authority established under schedule 3 of the Police Act 1964
- A joint authority established by Part IV of the Local Government Act 1985
- Other than a metropolitan county passenger transport authority
- A Combined Fire Authority

Grant Rates and Thresholds

Grant Rate: the Department would normally pay grant at a rate of 85% of eligible expenditure above the threshold described in the following paragraphs.

Thresholds: before being eligible for grant, an individual authority is required to have spent 0.2% of its calculated annual budget on works that have been reported to the Department as eligible for grant. This amount is the authority's 'threshold' and applies to the whole financial year, not to each incident within the financial year. A full list of thresholds for 2003-14 will be available on the Communities and Local Government website.

It should be noted that costs which are the responsibility of one local authority cannot be claimed by another, just to take advantage of a lower Bellwin threshold.

Thresholds will be based on actual budget figures as notified to the department by local authorities.

How to notify an incident or make a claim

The following procedures apply when making a claim:

- a. Reporting the incident: the Local Authority must do this within one month of an eligible incident by writing to Ade Ogunro, LGF-SRC, Communities and Local Government, Zone 5/E1 Eland House, Bressenden Place, London W1E 5DU (020 7944 4007; email [Bellwin@communities.gsi.gov.uk](mailto:bellwin@communities.gsi.gov.uk)). It is wise to do this even if spending is not likely to exceed the threshold. In the event of a later scheme taking total spending for the year above the threshold, the earlier spending would not be counted towards the threshold unless the incident was reported at the time.
- b. Setting up a scheme: if the information on the preliminary notification/claim form is sufficient, the Department will decide quickly whether to set up a scheme. It may, however, sometimes be necessary to ask the Local Authority for more complete details of the incident and its spending. In cases where it decides to set up a scheme, it will draw up the detailed conditions and notify them to the Authority;
- c. Completion of eligible works: within two months of the incident, the Local Authority must complete all works in respect of which it intends to claim grant;
- d. Submission of claim: unless otherwise specified by the Department, within three months of the incident the Local Authority must submit a claim form provided by the Department and signed by the authority's Chief Financial Officer specifying relevant eligible payments made (Annex E). The Department may extend this deadline in exceptional circumstances but, if no

such extension has been agreed and if no claim has been made within six months of the incident, the application will be deemed to have lapsed. All claims must be submitted to the Department with full details of the expenditure incurred.

- e. The Department will use its best endeavours to pay valid claims, within 15 working days of receipt. Where interim claims are allowed, it will make an interim payment of 80% of the eligible costs incurred to date.

Eligible Expenditure

In order to meet the basic statutory requirement, expenditure must have been incurred:

- By a local authority in England on, or in connection with, the taking of
- Immediate action to safeguard life or property or to prevent suffering or severe inconvenience, in its area or among its inhabitants
- As a result of the incident(s) specified in the scheme which involved the
- Destruction of or danger to life or property.

Ineligible Expenditure

The overriding rule is that expenditure which is not clearly incurred on or in connection with immediate action to safeguard life or property or to prevent suffering or severe inconvenience as a result of a disaster or emergency will not be eligible for grant. Expenditure that is not additional to what the authority would normally expect to incur will not be eligible, nor will expenditure in an area for which there is already a government expenditure programme, such as maintenance of law and order or housing safety and maintenance.

Insurable expenditure is ruled out, as described at Annex B. The decision about whether to take out insurance cover remains one for local authorities – having regard to value for money considerations. Where external insurance is not taken, authorities need to make adequate provision as part of their overall financial management.

Since the enactment of the 2003 Local Government Act, councils are under a statutory obligation to take account of advice from the Chief Finance Officer on the adequacy of reserves when setting their budgets each year.

Most capital expenditure will not be eligible for Bellwin grant. Given that authorities have wider capital budgets that they can reallocate and have other sources of capital support, it is only in exceptional circumstances that claims against capital expenditure will be allowed. Any claims would need to demonstrate why capital expenditure on immediate action to safeguard life and property or to avoid severe inconvenience would represent better value for money than current expenditure.

Specifically, they must demonstrate:

- Given the existence of wider capital budgets, why additional (as opposed to simply reprofiled) capital expenditure was necessary to safeguard life and property; and
- That this capital expenditure offered better value for money than the alternative of current expenditure.

EU STRUCTURAL FUNDING

EUROPEAN REGIONAL DEVELOPMENT FUND

The European Regional Development Fund (ERDF) is one of four structural funds aimed at reducing regional disparities. It aims to enhance economic and social cohesion in the regions by funding projects including sites and facilities for businesses, help for small or medium – sized enterprises (SMEs), transport infrastructure projects, environmental protection and improvement measures which are linked to regional economic development; and community economic development. The Department for Communities and Local Government is the managing authority for ERDF programmes in England.

EUROPEAN SOCIAL FUND

The European Social Fund (ESF) is another structural fund and mainly supports the adaptation and modernisation of policies and systems of education and employment. The Department for Work and Pensions is the managing authority for ESF programmes in England but, as with the Communities Department and ERDF, delegates most of the responsibilities to the various GOs. Comprehensive information on the European Social Fund and its constituent objectives may be found at <http://www.esf.gov.uk>. Neither the ERDF nor the ESF is an emergency relief fund as such, but they could potentially support projects promoted by local authorities engaged in a medium or long-term recovery process, provided these projects meet the objectives and priorities of the relevant structural funding programmes.

EUROPEAN UNION SOLIDARITY FUND

The European Union Solidarity Fund (EUSF) was established in order to deal with major national disasters. It provides financial assistance to disaster stricken States.

The Solidarity Fund intervenes mainly in cases of major natural disasters with serious repercussions on living conditions, the natural environment or the economy in one or more regions of a Member State or a country applying for accession to the European Union (EU).

A natural disaster is considered as ‘major’ if it results in damage on the State’s territory estimated either at over EUR 3 billion (2002) prices, or at more than 0.6% of its gross national income.

In exceptional circumstances, the fund may also be mobilised for ‘regional’ disasters where a region experiences a disaster which affects the majority of its population, with serious and lasting repercussions on living conditions and economic stability. Regions may also receive funds even when the applicable national threshold has not been reached. For those specific cases, the annual amount available is limited to no more than 7.5% of the annual amount allocated to the Solidarity Fund (i.e. EUR 75 million). Particular attention is paid to remote and isolated regions, for example the outermost and island regions.

The EUSF may also be mobilised when a major disaster affects a neighbouring eligible State, even if the normal intervention threshold for that neighbour State has not been reached.

Objectives

The objective of assistance from the Fund is to compliment the public efforts of the beneficiary State. Intended to finance measures alleviating non-insurable damage in principle, the urgent actions eligible for the Fund are the following:

- Immediate restoration to working order of infrastructure and plant in the fields of energy, drinking water, waste water, telecommunications, transport, health and education
- Providing temporary accommodation and funding rescue services to meet the immediate needs of the population concerned
- Immediate securing of preventative infrastructures and measures of immediate protection of the cultural heritage
- Immediate cleaning up of disaster stricken areas, including natural zones.

Procedure for applying for assistance

No later than ten weeks after the first damage caused by the disaster, the State affected should submit an application to the Commission for assistance from the Fund. It should provide all possible information on the damage caused by the disaster and its impact on the population and the economy. It must estimate the cost of the foreseen assistance and indicate any other sources of national, European and/or international funding.

On the basis of the information provided by the affected State, the Commission will decide if the mobilisation of the EUSF may be proposed to the budgetary authority (the European Parliament and the Council), which authorises the corresponding appropriations, on a case by case basis. Once the appropriations are available in the European budget, the Commission concludes an Agreement on implementation with the beneficiary State and accords a grant to be paid immediately and in a single instalment.

If the final estimation of the damage is substantially lower than the first forecasts on the basis of which the State demanded the grant, the Commission will ask for the reimbursement of the difference.

Implementing the grants accorded

The beneficiary State is responsible for the implementation of the grant and, where applicable, for the co-ordination with other European funds in order to ensure their complementarity. Double financing of the actions undertaken by the EUSF through the means of Structural Funds is, however, not possible.

The grant must be used within one year of the date on which it has been disbursed. The beneficiary State must reimburse any part of the grant remaining unused. Six months after the expiry of this period, it is to present a report on the financial execution to the Commission. This document should detail the expenditure eligible

for the Solidarity Fund as well as all other funding receive, including insurance settlements and compensation from third parties.

Appendix C – Dealing with Waste and Contamination

Background and Context

Waste is a generic issue that may arise from the recovery phase of many different emergencies, such as site clearance (9/11 type incident), various CBRNe and radiological exercise scenarios, flood events, marine oil spills, and outbreaks of animal and plant diseases such as the 2007 Highly Pathogenic H5N1 Avian Influenza outbreak in Suffolk or Foot and Mouth disease.

Occasionally, waste itself may give rise to an emergency, such as fire and flood at the Cleansing Service Group (CSG) hazardous waste facility, or as a result of breakdown in the waste management service, such as the ‘winter of discontent’ strike leading to accumulated and uncollected municipal waste.

The range of waste can be potentially wide and include hazardous and non-hazardous waste, either resulting directly from the emergency or as a result of remediation and clean up following an emergency, e.g. decontamination washings, animal litter from poultry sheds. Contamination of agricultural land and the food chain can also lead to large quantities of waste requiring disposal.

Every effort should be made to minimise the amount of waste and to segregate the types of waste at the source of production. Waste should preferably be stored at the site of production and transported directly to the point of disposal whenever possible.

UK Policy and Guidance

Regulatory Guidance

For further information on the waste management and recycling see the Defra website or the NetRegs website.

The NetRegs website (www.netregs.gov.uk) gives plain English guidance on environmental regulations for your business.

- Free environmental guidance for your business in the UK and;
- Guidance on what you need to do to comply with environmental law and protect the environment

Licensing

Waste should be managed in a way that does not cause pollution of the environment or harm to human health.

Waste needs to be stored, treated, recovered or disposed of at an appropriately authorised site.

A householder’s domestic waste, which is dealt with within boundary of their own property, is exempt from the need for a Waste Management License. Commercial and industrial waste is covered by the regulations.

Information on the local waste sites can be found in the Waste Directory on the NetRegs website or by contacting the Environment Agency on 08708 506 506.

Duty of Care

Everyone handling waste is subject to the Duty of Care¹ (1) provisions and those transporting waste, which isn't their own waste, are usually required to be registered as waste carriers. The extent to which these requirements might be relaxed (e.g. use of unregistered carriers or use of temporary unlicensed storage sites) in an emergency would be subject to agreement with Defra.

Local authorities (LA, hereafter) have duties to keep public land clear of fly-tipped waste, but neither the LA nor appropriate environmental regulator has a duty to clear waste from private land. In the event of an emergency however the appropriate environmental regulator or the LA have powers to enter land under the Environmental Protection Act (EPA) 1990, section 59(7) and clear any waste unlawfully deposited for the purposes of preventing pollution of land, water, or air, or harm to human health. The Act empowers the authority to also take other appropriate steps. A copy of the EPA 1990 can be found on OPSI website (2).

Under the EPA 1990, section 59(8) the authority (LA or EA) is entitled to recover the costs of operations from any person who deposited or knowingly caused or permitted the deposit of the waste. In the case of an emergency, central Government could elect to reimburse the authorities for any clearance costs. The Secretary of State also has general powers of direction so it could also elect the environmental regulator to act in certain circumstances.

Local authorities have duties to keep public land clear of fly-tipped waste. The roles and responsibilities for dealing with tackling illegal waste activities and fly-tipping are detailed in the fly tipping protocol (3).

Neither the LA nor appropriate environmental regulator has a duty to clear waste from private land.

The subsequent transportation of waste

To transport controlled waste, a waste carrier must be registered, under the Control of Pollution (Amendment) Act 1989 (4) and the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 (5).

The carrier is responsible for ensuring that they are registered and the holder is responsible under the duty of care for ensuring that waste is transferred only to an authorised carrier.

1. Duty of Care (www.defra.gov.uk/environment/waste/legislation/pdf/waste_man_duty_code.pdf)
2. OPSI website (www.opsi.gov.uk/acts/act1990/Ukpga_19900043_en_1.htm)
3. Fly tipping protocol (www.environment-agency.gov.uk/homeandleisure/waste/flytipping/37853.aspx)
4. Control of Pollution (Amendment) Act 1989 (www.opsi.gov.uk/act/acts1989/Ukpga_19890014_en_1.htm)
5. Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regs 1991 (www.opsi.gov.uk/SI/si1991/Uksi_19911624_en_1.htm)

Waste Streams

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|---|--|
| <p>Hazardous Waste</p> | <p>Some types of waste are harmful to human health, or to the environment, either immediately or over an extended period of time. These are called hazardous wastes. Guidance on what is hazardous waste can be found on both the Defra and Environment Agency websites.</p> <p><u>Summary of the controls on hazardous waste</u></p> <p>Premises that produce hazardous waste must be registered with the Environment Agency unless excluded by an exemption. Locations which are not premises (such as parts of the highway where a spillage has occurred or ambulances where waste has been produced whilst treating a patient) do not need to be registered. Guidance on registering as a hazardous waste producer is available on the Environment Agency website.</p> <p>With very few exceptions, a consignment note must be completed to accompany hazardous waste when it is moved from any premises. A consignment note is not required to move hazardous waste from locations that are not premises. Guidance on moving hazardous waste and consignment notes are available on the Environment Agency website.</p> <p>In England and Wales, the principle regulator for the hazardous waste controls is the EA, who can advise on technical issues relating to hazardous waste management. Defra provide the legal framework for the controls. Defra leads on negotiations with other Member States and the Commission.</p> |
| <p>Oily Waste (marine spill)</p> | <p>Extremely large volumes of oily waste (a hazardous waste) can be generated following shoreline clean-up and recovery at sea from a large marine oil spill. The local authority is responsible for the management of waste from the shoreline. The MCA is responsible for the management of waste from off-shore pollutions. The Environment Agency can provide advice on temporary storage arrangements without the need for a waste management license. Temporary, intermediate and final waste storage sites should be identified in local authority oil spill contingency plans.</p> <p>There are a variety of treatment and disposal options, depending on the type of oil and contaminated debris, but the availability of suitable permitted sites is limited. Further details of local contractors and disposal facilities can be obtained from the local authority and Environment Agency.</p> <p>See;</p> <ul style="list-style-type: none"> • National Contingency Plan for Marine Pollution from Shipping • County Shoreline Pollution Plan • District Level Maritime Oil and Shoreline Pollution Plan |
| <p>Clinical Waste</p> | <p>Clinical waste is defined in the Controlled Waste Regulations 2012. It means any waste which consists wholly or partly of:</p> <ul style="list-style-type: none"> • Human or animal tissue; • Blood or bodily fluids; • Excretions; |

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| | <ul style="list-style-type: none"> • Drugs or other pharmaceutical products; • Swabs or dressings; or; • Syringes, needles or other sharp instruments; which unless rendered safe may prove hazardous to any other person coming into contact with it, • Any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care teaching or research, or the collection of blood for transfusion, being waste which may cause infection to any person coming into contact with it. <p>Further information can be viewed on Defra website. Additionally, further guidance has been issued by the Department of Health for the safe disposal of clinical waste.</p> <p>Contact the Environment Agency's National Customer Contact Centre for further guidance on disposal or recovery of clinical waste.</p> <p>Where it is not possible to specify segregated hazardous waste, all waste must be hazardous until revised segregation is introduced.</p> |
| Bulky Waste | <p>Householders should contact their local authority to arrange for the collection of bulky items of which they wish to dispose. Local Authorities:</p> <ul style="list-style-type: none"> • Have a duty to collect household waste and commercial waste if it is requested (but are entitled to charge for this service), except where the waste is so isolated or inaccessible that the cost of collection would be unreasonably high, and the local authority is satisfied that adequate arrangements for its disposal have been made by the holder of the waste. • Are free to choose how they fulfil their waste collection duties including the frequency of the collections; the priority; degree of effort and resources required. • Are entitled, but not required, to charge for collection of certain types of household waste, including bulky items (articles exceeding 25kg in weight or which cannot be fitted into the usual receptacle for household waste). • Are best placed to make decisions on the waste management strategy for their communities. <p>More information on local authority activities can be found on the Local Government Association (LGA) website.</p> |
| Furniture | <p>As outlined above, Las will collect bulky household waste. In addition to this disposal route, other routes exist for household items, particularly for furniture that has the potential to be reused. An example is the Furniture Re-use Network (FRN), a national body which supports, assists and develops charitable re-use organisations across the UK. It comprises of some 400 re-use organisations that will collect unwanted, reusable bulky household items. FRN members operate the largest fridge collection service in the UK, collecting over 300,000 fridges a year. More information on the services that FRN members can offer is available on the website.</p> |

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| <p>Fridges and other electrical waste</p> | <p>Controls on ozone depleting substances (ODS) require the disposal of waste fridges and refrigeration equipment in an environmentally sound manner – removal of ODS (including CFCs and HCFCs) from refrigeration equipment before such appliances are scrapped. For further information on the treatment and disposal of fridges see the Defra website.</p> <p>Disposal of electrical and electronic equipment must now follow legislation as set out in the WEEE (Waste Electrical and Electronic Equipment) Directive. The WEEE Regulations affect everyone who uses, sells, treats or disposes of WEEE. WEEE is marked with a crossed out wheeled bin symbol, and includes TVs, fridges, washing machines and computers. Householders can:</p> <ul style="list-style-type: none"> • Take old appliances to their local CA site; • Arrange for their local authority to collect the equipment (some local authorities provide a free collection service and others charge); • Arrange for an electrical retailer delivering new equipment to take away the old appliance. <p>Businesses, schools, hospitals and government agencies, when they dispose of their electrical waste, need to ensure that all separately collected WEEE is treated and recycled. Exemptions from waste management licensing are available for the storage of WEEE, repair/refurbishment of WEEE, and lamp crushing prior to recovery.</p> <p>Further information is available on the Environment Agency website.</p> |
| <p>End-of-life vehicles</p> | <p>The disposal of waste vehicles is governed by the End-of-Life Vehicles (ELV) Regulations 2003 which require operators to hold a site license if accepting vehicles which have not been decontaminated and sets minimum technical standards for all sites that store or treat ELVs.</p> <p>For passenger vehicles with no more than eight seats in addition to the driver's seat and goods vehicles with a mass not exceeding 3.5 tonnes, last owners can dispose of them at no cost once they are delivered into a vehicle manufacturer affiliated ATF. Manufacturers are required to maintain a convenient network of such facilities.</p> |
| <p>Disposal and Collection of Animal Carcasses</p> | <p>For exotic animal disease outbreaks, Animal Health assumes all responsibility for culling and disposal of affected animals. In all other cases, responsibility for the disposal of carcasses rests with the animal's keeper.</p> <p>Following flooding incidents carcasses can end up in a variety of places. Where a carcass is deposited on private land, wherever possible the owner of the carcass should be identified and is responsible for the collection and disposal. If ownership cannot be proven then responsibility for disposal rests with the landowner. It can be difficult to identify who owns animals if swept away from farm/holding/home.</p> <p>Where a carcass is deposited elsewhere, including public land or highways, and ownership of the carcass cannot be ascertained then the local authority is responsible for the disposal.</p> |

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| | <p>The Environment Agency will remove a carcass from a watercourse but only if there is pollution or flood risk and the carcass owner or landowner cannot be identified.</p> <p>Local Authorities (usually Environmental Health) have powers under the statutory nuisance provisions of the Environmental Protection Act 1990 to deal with 'accumulations or deposits which are prejudicial to health or a nuisance'. Appropriate action can subsequently be taken against the owner of the carcass.</p> <p>All such carcasses must be disposed of by rendering or incineration. Further details of local contractors and disposal facilities can be obtained from the Local Authority, EA and local Animal Health office. A list of approved premises is also available on the Defra website.</p> <p>The Secretary of State and devolved ministers have powers under the Animal By-Product Regulations to approve a derogation permitting the on-farm burial of carcasses. This derogation may be applied locally, regionally or nationally and may be used to allow the disposal of fallen stock when movement restrictions are in place in addition to the disposal of carcasses from animals culled for disease control reasons. This derogation only applies for outbreaks of exotic animal disease and not for other types of emergency.</p> <p>Further advice on the disposal of animal carcasses, is available on Defra and Lacors website. (The latter is a password protected site. Each local authority has its own password).</p> |
| <p>Waste sediments</p> | <p>A specific and important waste stream arising during flooding are waste sediments. Sediments can be stored for up to three months, pending characterisation of the waste and then recovery or disposal off site.</p> <p>Sediments that are obviously contaminated will need to be tested for contaminants (such as heavy metals, oils and other potential toxic elements) prior to disposal. Any sediment identified as hazardous must go to a hazardous waste landfill or to a licensed treatment plant.</p> <p>Uncontaminated sediments, for example from predominately rural areas, may be suitable for reuse for agricultural or ecological benefit within the catchment that generated it. They may also be used to repair flood-affected areas or be spread back on to the fields within the affected river catchment as soil. Anyone using it or spreading it needs to register this exempt activity with the Environment Agency (this is called a 'paragraph 7A exemption'). If the sediment is being used within the catchment there will not be a charge for the registration.</p> |
| <p>Waste Milk</p> | <p>Waste milk may arise following an animal disease outbreak or become contaminated following a pollution incident. Milk that is obviously contaminated will need to be tested for contaminants (such as heavy metals, radiation and other potential toxic elements) prior to disposal. From 30 October 2007, any liquid, hazardous or non hazardous, including milk will not be permitted to be disposed of in any landfill site.</p> <p>A 'paragraph 47 exemption' under the Waste Management Licensing Regulations 1994, allows uncontaminated milk to be used for the treatment of land used for agriculture if it results in benefit to agriculture or ecological improvement and provided certain conditions are met.</p> |

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| | <p>Contact the Environment Agency for further details.</p> <p>The Environment Agency in conjunction with Defra will provide direction on potential risk proposed by land spreading of milk contaminated by TB or any other disease. Milk should only be disposed of to sewer in consultation with the local Water Company.</p> <p>Further guidance on the disposal of waste milk can be viewed on the Environment Agency website.</p> |
| <p>Radioactive waste</p> | <p>The need for guidance on the safe disposal of contaminated waste was identified following the Alexander Litvineko incident in 2006/07, which resulted in the generation of waste contaminated with a radiological substance. Defra, working closely with the Environment Agency and in close consultation with other Departments and the Local Government Association, has produced this Strategic National Guidance for the safe management of waste arising following a chemical, biological, radiological, nuclear or explosion (CBRNe) incident. The guidance is not meant to be prescriptive but it is hoped those responsible for planning and preparing for a CBRN incident will find it helpful.</p> <p>Responders should take care to minimise the creation of solid and liquid radioactive wastes, and store and dispose of those wastes safely – preventing unnecessary discharges of radioactivity to the environment.</p> <p>The Environment Agency regulates the storage and disposal of radioactive wastes. Contact the relevant environment agency for advice. A statutory authorisation may be required under the Radioactive Substances Act 1993 (RSA93). Some radioactive substances can be disposed of without authorisation provided this is done in compliance with an exemption order under RSA93. Contact the relevant environmental regulator for advice.</p> <p>Information on keeping, moving and transporting radioactive substances is available in the Health and Safety Executive information sheet – Control of radioactive substances.</p> <p><u>Government Decontamination Service (GDS) Role in preparing for a crisis – core functions</u></p> <ul style="list-style-type: none"> • To establish and maintain a framework of contractors (Specialist Suppliers) which, in the event of a CBRN or major HAZMAT incident, and using a call-off contract mechanism, can offer appropriate remediation or decontamination-related services (including sampling and monitoring and waste management services to facilitate decontamination) for the built and open environment and transport assets, including critical national infrastructure; • To establish and maintain a programme of work to test, exercise and evaluate • GDS and GDS Framework capability against likely requirements based on the appropriate Government policies and materials, using other technical information as appropriate; • To capture information on known framework capability and capacity; identify gaps in known capability and capacity, and explore mitigations and possible solutions as appropriate; • Provision of advice and briefing on framework capability and |

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| | <p>capacity, and written guidance on associated remediation/decontamination issues to departments, Devolved Administrations, and Responsible Authorities;</p> <ul style="list-style-type: none"> • To participate in the work of identifying, prioritising, and, as necessary, managing decontamination-related research projects; • To build up a library of the relevant knowledge (including reference material) and experience available to GDS, drawing on national and international information, which can be used by its officers, and others, to support the development of the framework and wider remediation work; • To maintaining a Duty Officer role to give access to the GDS services at all times. <p>Role in a crisis:</p> <ul style="list-style-type: none"> • To be expert advisors on the capability and capacity of the GDS framework contractors, their services and, where relevant, the different remediation or decontamination methodologies and technologies available through the framework; to provide expert/scientific advice as necessary to relevant groups, including STAC and Recovery Co-ordination Group, on the consequences of the decontamination techniques used by the framework contractors, and on their capability/capacity and operating procedures to inform the consequence management strategy; • To help the lead Responsible Authority (or 'Agent') access the most appropriate framework services in order to ensure the efficient, effective and timely decontamination/remediation work is carried out and to assist them in being an intelligent customer when setting up the appropriate contract or contracts; • To facilitate the liaison between the Responsible Authority and the contractor(s) throughout the duration of the contract; • To signpost alternative options where framework services have reached capacity, or where the decontamination service necessary does not require the level of capability available through the framework; • To provide where required, appropriate briefing and assistance to Central Government (including direct to the relevant Minister through the Lead Government Department) on decontamination-related matters including capability and capacity of framework contractors and other known remediation or decontamination capability. • During a CBRN or major HazMat incident GDS will deploy on the invitation of the Responsible Authority, or at the direction of CoBR. The extent of the deployment will be incident specific, and reflect both the requirements of the Responsible Authority and the efficient use of GDS resources. <p>Their work is built on a foundation of scientific support and research to improve decontamination technologies and capabilities. These functions will allow GDS to bring together the available expertise in a logical and comprehensive manner, allowing those responsible for decontamination to function far more effectively. We will remove the need for them having to procure the work independently, and allow them to benefit from pre-planning.</p> |
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| | <p>What the Service will NOT do is:</p> <ul style="list-style-type: none"> • Assume responsibility for the actual decontamination process • Fund decontamination work • Deal with humans or animals or their remains • Carry out monitoring, sampling or surveying of contaminated sites • Define how clean is 'safe' • Confirm that decontamination standards have been achieved • Accredite the capabilities of specialist suppliers or contractors <p>The address of the Government Decontamination Service is: MoD Stafford Beaconside, Stafford, ST18 0AQ. Telephone 08458 501323, email gds@defra.gsi.gov.uk</p> |
| <p>Wreck (From Shipping)</p> | <p>The following is general background information only and is not a definitive list of the rights or responsibilities of Salvors.</p> <p>Wreck is defined in section 255 of the Merchant Shipping Act 1955 as including 'jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water':</p> <ul style="list-style-type: none"> • Jetsam: goods cast overboard in order to lighten a vessel which is in danger of being sunk, notwithstanding that afterwards it perishes. • Flotsam: goods lost from a ship which has sunk or otherwise perished which are recoverable by reason of their remaining afloat. • Lagan: goods cast overboard from a ship which afterwards perishes, buoyed so as to render them recoverable. • Derelict: property, whether vessel or cargo, which has been abandoned and deserted at sea by those who were in charge of it without any hope of recovering it. <p>Any wreck material found in UK territorial waters (to a 12 mile limit), or outside the UK and brought within UK territorial waters must by law be reported to the Receiver of Wreck.</p> <p>The main task of the Receiver of Wreck is to process incoming reports of wreck, in the interest of both salvor and owner. The function of the Receiver of Wreck is carried out by the Maritime & Coastguard Agency (MCA) which is an executive agency of the Department for Transport.</p> <p>Finders should assume that all recovered wreck has an owner. It may, for instance, be owned by an individual a company, a dive club, an insurance company, the Ministry of Defence or the Department for Transport. The owner has one year in which to come forward and prove title to the property and, during this time, the finder may be asked to hold the wreck on indemnity to the Receiver of Wreck.</p> <p>A salvor has to be seen as providing a service to the owner which will benefit the owner financially; individuals should not simply pick up or remove items and assume they are acting as 'salvors'. If an intending salvor is at all unsure about this they are advised to contact the appropriate authorities before commencing salvage operations. A salvor acting properly under the law is entitled to a salvage award.</p> <p>On recovering wreck material, the finder should declare it promptly (where possible within 28 days) to the Receiver of Wreck giving a</p> |

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| | <p>description of the wreck and will usually be asked to hold it to the Receiver's order. Report of Wreck and Salvage forms are available directly from the Receiver of Wreck and from your local Coastguard station. Forms can also be downloaded from the MCA website.</p> <p>Once the form has been completed, it should be returned to the Receiver of Wreck office. Once a report has been received, the Receiver of Wreck will investigate ownership of the wreck items. If wreck material recovered from UK waters is unclaimed at the end of the statutory one year period, it generally becomes the property of the Crown, and the Receiver is required to dispose of it.</p> <p>The Receiver will investigate any report of possible offences regarding the treatment of wreck. If the investigation reveals sufficient evidence, the Receiver may prosecute those suspected of having committed an offence. The Receiver shares information with other prosecuting authorities, for instance, when offences come to light in relation to the Theft Act 1968 or the Firearms Act 1968.</p> |
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Landfill Tax

Regarding landfill limits (there are no targets placed on local authorities), waste disposal authorities (WDAs) obligations to limit landfill or biodegradable municipal waste will be maintained. This is in accordance with national EU landfill directive obligations. The flexibility of the Landfill Allowances Trading Scheme (LATS) allows WDAs to avoid penalties by purchasing necessary allowances to landfill or borrowing allowances from their next year's allocation.

The Department for Environment, Food and Rural Affairs (Defra) will take account of local circumstances when assessing waste management performance.

Other Roles and Responsibilities

Local and Regional

Local authorities have a responsibility in respect of public land.

The Environment Agency has a wide range of regulatory duties related to waste management including storage and disposal. They would advise on steps to prevent environmental impact and liaise with partner responders to protect human health. In relation to waste management issues, the Environment Agency will:

- Provide expert advice on waste management options, focusing on the activities that we regulate;
- Determine applications/registrations where appropriate (i.e. PPC permits and Waste Management Licenses and Exemptions) and adopt regulatory positions where appropriate;
- Advise on pollution prevention measures and monitoring (including cleansing & disinfection).

Lead Government Department

Defra is the lead Department on waste matters including the extent of local authorities' waste collection and disposal functions relating to municipal waste and exercise of the Secretary of State's powers. Defra (through its Executive Agency, Animal Health), has a lead responsibility in respect of disposal of animal carcasses culled as part of an exotic disease control operation.

The Regional Resilience Team in the relevant Government Office will normally provide the conduit for communication with Defra, or else responders can contact Defra directly (see contacts below).

Other Government involvement:

- Communities and Local Government (local authorities)
- Department of Health & Health Protection Agency (public health)
- Food Standards Agency has a role in advising the Recovery Co-ordinating Group on the safe disposal of food. This is to ensure that any food not acceptable for consumption is safely disposed of to prevent it re-entering the food chain.

Funding

Defra would fund disposal of animal carcasses culled by Animal Health as part of an exotic disease control operation. A more detailed version of the [National Recovery Guidance: environmental issues](#) (published 21/02/13) can be found on the [Gov.Uk](#) website.

Appendix D – Bibliography

Bibliography

| | | |
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