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NORTHERN IRELAND REPRESENTATION ON THE CABINET CIVIL CONTINGENCIES COMMITTEE (CCC)

Summary

Issue: It has been proposed that the Ministerial Civil Contingencies Committee of the Cabinet Office take over some of the functions of MISC 4 in overseeing contingency planning preparations for the millennium. This paper examines the options for Northern Ireland representation, both pre- and post- devolution, and also the longer-term question of who should represent NI interests in an emergency situation necessitating meetings of CCC.

Timescale: Urgent - no indication has yet been given of when a Ministerial CCC meeting might be held, but experience shows that very little notice is given of these meetings.

Recommendation: That consideration be given to arrangements for Ministerial representation on CCC, so that appropriate Ministers can be made aware of their roles and receive briefing.

Background:

For many years the Cabinet Office maintained a Civil Contingencies Unit, a Cabinet Committee with a full-time secretariat. This operated at both official and Ministerial level, and had two main functions; to oversee central government emergency planning in the United Kingdom and to provide a strategic direction to the response to a UK-wide emergency. The Northern Ireland Office, of which EPU was then a part, represented Northern Ireland at Official level - either EPU or, in extremis, someone from CPL in London attended.

2. In 1997, following a review, responsibility for routine government emergency planning and policy issues moved to the Home Office, and a new Civil Contingencies Committee (Policy) (CCC(P)) was formed at official level. The Emergency Planning Division of the Home Office chairs and provides the secretariat for this Committee. The Cabinet Office maintains responsibility for the Ministerial Civil Contingencies Committee (CCC), with the Secretary drawn from the Economic and Domestic Affairs Secretariat. The Standing Chairman for the CCC is the Home Secretary. It was originally intended that CCC would be primarily a

crisis management mechanism, analogous in many ways, although at a higher level, to the Northern Ireland Crisis Management Group. However there has been an increasing tendency to also give CCC a role in overseeing the routine planning and policy work of CCC(P). This is reflected in the current Terms of Reference and membership (Annex 1).

3. As CCC is a Westminster Cabinet Committee, none of the devolved Assemblies have a constitutional right to a seat. However, the Cabinet Office has indicated that it accepted that there would be a need for representation from Scotland, Wales and Northern Ireland.

Millennium Preparations

4. A recent paper from the Cabinet Office Economic and Domestic Secretariat, on the subject of Central Government arrangements over the millennium, indicated that the Government had it in mind to expand the CCC's role to cover advance planning for all aspects of the millennium, other than date change related issues. It was envisaged that CCC would meet regularly over the next 6 months to oversee co-ordination of the various aspects of preparations and contingency planning, including communications.

Northern Ireland Representation.

5. Since the review of the CCU in 1997, EPU has represented Northern Ireland at meetings of CCC(P). The question of who would represent Northern Ireland at Ministerial level has not been given detailed consideration: because, as has been said, it was essentially a crisis management mechanism, and it was likely that attendance would be on an ad hoc basis, dependent on the availability of Ministers and the nature of the emergency.

6. The new role envisaged for the CCC would require the presence of a Minister representing Northern Ireland at the regular CCC meetings. This presents three problems:

- (i) identifying who should attend CCC millennium planning meetings under the present administration;
- (ii) identifying who should attend CCC millennium planning meetings under a devolved administration; and
- (iii) identifying who should be the Standing Representative of Northern Ireland on CCC, especially in its role as crisis management co-ordinator for Central Government.

Representation Under Current Arrangements

7. Mr Murphy is the Northern Ireland representative on MISC 4, which is currently dealing with all aspects of the millennium problem. He is also the Minister with responsibility for Central Secretariat, and therefore Emergency Planning Unit. It would therefore seem appropriate that Mr

Murphy represent Northern Ireland on millennium contingency planning meetings of CCC. EPU would provide the necessary briefing.

Representation Under a Devolved Administration

8. The first decision here is whether representation should be from the NIO or the Assembly. In the case of millennium problems other than date change ones, there is the possibility of law and order disruption as well as disruption to the Northern Ireland infrastructure. The first is an NIO matter and the second largely a matter for the devolved administration.

9. The possibility of large New Year celebrations giving rise to crowd problems, and the vulnerability of people and property should there be major infrastructure failures, such as loss of power, means that the RUC is heavily involved in millennium planning. Northern Ireland Departments are involved in planning for maintaining business continuity through any date change problems, and providing a response to the community should problems, millennium related or not, occur over the date change period. Although there could be an argument both ways as to who should represent Northern Ireland on CCC, the Northern Ireland Departments, including essential services such as the Health Service, are dealing with a wider range of issues than the NIO and would therefore, on balance, have a greater input to CCC.

10. If it is decided that the devolved administration is the appropriate body to represent NI, then it will have to be decided how this will be addressed. If it follows the function of the EPU, then the representative would be either the First Minister or Deputy First Minister. However, it may be difficult for either, especially in the early days of the administration, to find time for regular CCC meetings in London. They may wish to nominate a junior Minister to represent them, or alternatively the DFP Minister may be more appropriate. This will have to be addressed quickly.

11. It is, of course, possible that both NIO and the Assembly could be represented on CCC, but, given that the situation is replicated in Scotland and Wales, I doubt if the Cabinet Office would be enthusiastic about this.

Representation in Emergency Circumstances

12. The primary role of the CCC is to provide central, strategic direction to the government response to an emergency. For CCC to be convened the emergency would need to be very serious and affect either a substantial part of the United Kingdom or a critical area, such as Central London. A meeting could be called either in anticipation of an emergency or when one had occurred.

13. As with the old CCU, the nature of the emergency would normally be expected to dictate which Minister should attend. However there could be difficulties with having the lead Minister away from Northern Ireland during an emergency situation, and in any case, transport difficulties

could be expected. It was for these reasons that we have in the past considered that in such circumstances, any NI Minister who was in London at the time would be appropriate to attend.

14. While this arrangement should still suffice under the present administration, we need to think about how NI would be represented at a CCC meeting called in the event of a UK-wide emergency (it would not be necessary for someone to attend if the emergency was localised in some other part of the United Kingdom). Options are limited. The main ones would appear to be:

- Have NIO represent NI interests, either through the Secretary of State or a junior Minister. This would be appropriate on the grounds that CCC is a UK Cabinet Committee and in the first stages of any 'normal' emergency the RUC would in all probability be in the lead, although this would not necessarily be the case where there was a radiation alert or a massive collapse of the infrastructure. If action had to be taken under the Emergency Powers Act (Northern Ireland) 1926, this would fall to the NIO, but this may not be sufficient to affect the decision.
- Send the lead NI Minister for the emergency situation to meetings, in so far as transport was available.
- Nominate a Minister who would always represent NI at CCC, in so far as transport was available. It would be helpful if the nominated Minister did not have responsibility for major elements of the infrastructure such as Health Services.

15. Nominating a London-based NIO Minister as NI representative on CCC would overcome travel difficulties and ensure that NI Ministers were free to concentrate on the local effects of the emergency. It would also ensure that decisions regarding the taking of Emergency Powers would be made by the appropriate authority. However, the link with the RUC and the Emergency Powers Act (Northern Ireland) 1926 notwithstanding, it may be viewed as excluding the Assembly.

16. The lead NI Minister would probably be most familiar with the situation and the problems arising from it. However he is likely to be the most involved in the response at local level and therefore the least able to be spared for long periods. This would be particularly the case for the First Minister or Deputy First Minister, who would probably take the lead if the emergency was on a scale which could require the operation of CCC.

17. A nominated Minister who would always attend CCC, especially if the Minister did not have responsibility for major service providers, would provide Northern Ireland input without affecting the response arrangements in Northern Ireland. There could still however, be logistical difficulties with getting any Northern Ireland Minister to London, as any emergency serious enough to require CCC to be convened, might be expected to affect part of the transport infrastructure.

18. In any of the three options above, the CCC representative would require extensive briefing, and probably support at Official level, from

EPU. The amount of briefing necessary would not vary that much between the options.

Precedents

19. The circumstances in which CCC would be required to meet at Ministerial level occur very infrequently. I am not aware of any previous occasion on which a Northern Ireland Minister has been required to attend CCC. We have consulted with the Policy Co-ordination and Legislation Units in Central Secretariat, but they are unaware of any decisions having been taken on Assembly representation on UK or Cabinet Committees generally.

20. The Scottish Office has been considering the question of its representative on CCC. The opinion there is that, although the First Minister would be first choice as CCC representative, his duties both during the run-up to the millennium and in an emergency situation would be expected to prevent him attending meetings in London. The Scottish Office is therefore proposing that the Secretary of State for Scotland should represent Scottish interests, if necessary under a concordat with the Scottish Assembly. The Scottish Assembly Ministers will not formally take up office until July. Briefing on this issue will be prepared at that time.

Discussion

21. It may be that for NI, the ideal option would be to have the First Minister or Deputy First Minister attend CCC to represent Northern Ireland interests, with the NIO also represented if the Emergency Powers Acts were under discussion. However, the difficulties of being absent during a crisis for both them and the lead Minister has already been highlighted. Sending a nominated Minister would fulfil the need to have the Assembly represented, but he or she may not carry the level of authority necessary for the sort of decisions which would be taken at CCC, especially if those decisions had extensive implications for the operation of other departments.

22. The Northern Ireland Office would have a role in any emergency where the RUC was involved, or where consideration was given to invoking the Emergency Powers Acts. Although the decision on implementation of a State of Emergency under the Emergency Powers Act (Northern Ireland) 1926 would lie with the Secretary of State for Northern Ireland, it may not be necessary for him/her to attend a CCC meeting personally, as membership of the Committee is not normally at Secretary of State level. It may be possible to send a junior Minister who is briefed and authorised to represent the Secretary of State.

23. If a NIO Minister was to be the only Northern Ireland representative at a CCC meeting, they would need to be able also to report and speak on behalf of the Northern Ireland Departments. This would require pre-planned arrangements for co-ordination of briefing, probably through the EPU. I doubt whether a special concordat would be necessary for this: it would be an extension of the normal interaction which will occur between

the NIO and NI Departments and should be covered by the general concordat which I understand is being prepared.

Conclusion

24. I am sorry for the length of this paper, but it raises an important point of principle which could well apply in other fields and may present itself at little or no notice. I would be grateful for views, including from copy recipients on:

- Whether it would be appropriate to invite Mr Murphy to attend CCC meetings called to discuss millennium preparedness, if this happens before full devolution occurs.
- Whether it would be appropriate for a Minister from the Northern Ireland Assembly to attend CCC meetings called to discuss millennium preparedness, after devolution. Should the First Minister or Deputy First Minister (or their nominee) attend, or would the DFP Minister be more appropriate?
- Whether the standing Northern Ireland representative on CCC for purposes other than millennium planning should come from the Northern Ireland Office or the Northern Ireland Assembly. If it were to be decided that formally the First or Deputy First Minister would be Northern Ireland's CCC representative, would it be possible for a pragmatic arrangement to be made for an NIO Minister to attend CCC meetings on their behalf, should duties or circumstance prevent them travelling to London for emergency meetings?

Sgd Bill Clements

W H M Clements

CABINET CIVIL CONTINGENCIES COMMITTEE: COMPOSITION AND TERMS OF REFERENCE

Membership

Secretary of State for the Home Department (Chairman)
Cabinet Office representative (Deputy Chairman)
Chief Press Secretary, Prime Minister's Office
Department of the Environment, Transport and the Regions
HM Treasury
Department for Education and Employment
Cabinet Office
Scottish Office
Ministry of Defence
Department of Health
Department for Culture, Media and Sport
Northern Ireland Office
Ministry of Agriculture, Fisheries and Food
Department of Trade and Industry
Welsh Office

Representatives of other Departments would be invited to attend as necessary.

When circumstances require, the Committee would meet as a Ministerial Group under the Chairmanship of the Secretary of State for the Home Department. In this case, Ministers for the above Departments, and others as appropriate, will be invited to attend. One official from each Department may also be invited,

Terms of Reference

"To co-ordinate the preparation of plans for ensuring in an emergency the supplies and services essential to the life of the community; to keep these plans under regular review; to supervise their prompt and effective implementation in specific emergencies; to co-ordinate preparations for the millennium; and to report as necessary to the appropriate Ministerial Committee."