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| MIDDLESBROUGH COUNCIL |  |
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| Report of: | Director of Legal and Governance Services |
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| Submitted to: | Individual Executive Member Decision-Making: The Mayor |
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| Date: | 17 December 2024 |
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| Title: | Business Continuity Policy |
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| Report for: | Decision |
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| Status: | Public |
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| Strategic priority: | All |
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| Key decision: | No |
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| Why: | Decision does not reach the threshold to be a key decision |
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| Subject to call in? | Yes |
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| Why: | Not urgent |
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| Proposed decision(s) |
| That the Mayor: <ul style="list-style-type: none">• AGREES the annual review of the Business Continuity Policy. |

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| Executive summary |
| The Business Continuity Policy sets out how the Council will comply with The Civil Contingencies Act 2004 placed a statutory duty on the council as a designated Category 1 responder to ensure that it can; respond to an emergency, continue to support emergency response partners and continue to provide critical services to the public. |

1. Purpose

1.1 The purpose of this report is to set out the Business Continuity Policy which is in place to ensure the Council conducts its statutory duties as an Category 1 responder under The Civil Contingencies Act 2004.

2 Recommendations

2.1 That the Mayor:

- **AGREES** the Business Continuity Policy.

3 Rationale for the recommended decision(s)

3.1 The policy will ensure that there is a consistent framework in place that sets out the council's approach to business continuity.

4 Background and relevant information

4.1 During an emergency or incident Middlesbrough Council is still required to deliver its critical services. Heavy snow, power outage or cyber-attacks are a few examples on how services could be affected, and Service Areas need to maintain plans to ensure they can continue to operate the most essential aspects, even if they lose essential resources. This could be social care being able to reach isolated communities, highways winter maintenance operating with reduced fleet or ICT maintaining computer systems to prevent loss.

4.2 The Council is required to ensure that a policy is in place to govern Business Continuity as part of steps to ensure it meets its legal obligations. Adherence to the policy will ensure compliance with The Civil Contingencies Act 2004. The Act places a statutory duty on Local Authorities as a Category 1 responder to maintain plans to ensure that they can continue to exercise their functions in the event of an emergency so far as is reasonably practicable. The duty relates to all functions, not just their emergency response functions:

- Emergency management/civil protection: Functions that underpin the Category 1 responder's capability to respond to the emergency itself, and take effective action to reduce, control or mitigate the effects of the emergency.
- Impact on human welfare, the environment and security: The significance of services to the effective functioning of the community in the event of an emergency, or an adverse effect on the environment.
- Legal implications: Statutory requirements on Category 1 responders and the threat of litigation if a service is not delivered or is delivered inadequately.
- Financial implications: Loss of revenue and payment of compensation.
- Reputation: Functions that impact on the credibility and public perception of a Category 1 responder.

4.3 The Risk and H&S team is tasked with ensuring that all MBC directorates and service areas have robust arrangements in place to ensure they are able to deal with a variety

of impacts capable of disrupting their provision of service to the communities of Middlesbrough.

4.4 The business continuity arrangements have evolved to ensure that directorates have plans in place to mitigate and manage disruptive incidents such as a loss of staff, buildings, equipment or disruption to information technology or supply chains. Service Areas create a critical function plan to manage the loss of these resource procedures.

4.5 The Risk and H&S Team continue to consider internal audit with a review of the Councils Business Continuity Plans due in Q4 of this fiscal year 2024/25.

4.6 Compliance with Business Continuity good practice is reported to Audit Committee on an annual basis. Going forward the report will set out compliance with the proposed policy.

5. Other potential alternative(s) and why these have not been recommended

5.1 The Council could choose not to have a policy in place to set out expected standards for its Business Continuity arrangements, however this would increase the risk that the Council could have insufficient arrangements in place to maximise their ability to deliver improved outcomes for the residents of Middlesbrough.

6. Impact(s) of the recommended decision(s)

| Topic | Impact |
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| Financial (including procurement and Social Value) | There are no direct legal implications as a result of this report. |
| Legal | There are no direct legal implications as a result of this report. The report supports compliance with the statutory duties placed upon the Council by the Civil Contingencies Act 2004. |
| Risk | <p>The revised policy impacts positively on the following risks managed within the Legal and Governance Services Directorate Risk Register:</p> <ul style="list-style-type: none"> ● O8-037 - If business continuity plans are not fit for purpose then in the event a business interruption the Council would potentially be unable to provide critical services which could result in harm to service users and a breach of law namely the Civil Contingencies Act 2004. ● O8-052 - Risk of disruption to service delivery, Due to: Lack of adequately tested Business Continuity / Disaster Recovery Plans which fail to effectively manage a critical incident (e.g. relating to access to critical systems / data) and further extend the period of system unavailability. Resulting In: extended or permanent loss of |

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| | systems/data, poor communication and the inability to identify and inform key officers about incident /implications. Failure to reinstate services/systems within an appropriate timescale, dissatisfaction/loss of confidence with the Council's customers. |
| Human Rights, Public Sector Equality Duty and Community Cohesion | While the policy is not directly relevant to these impact areas, having a policy in place will ensure the Council is better placed to be able to continue to deliver its critical activities and ensure continued compliance with legislation associated with these areas. |
| Climate Change / Environmental | |
| Children and Young People Cared for by the Authority and Care Leavers | |
| Data Protection | |

Actions to be taken to implement the recommended decision(s)

6.8 Publication of this policy on the Council’s Internal Data site.

Appendices

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| 1 | Business Continuity Policy |
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Background papers

| Reporting body | Report title | Date |
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| Audit Committee | Business Continuity annual assurance report | 20231214 |

Contact:

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