

The Highland Council Statutory Obligations and Civil Contingency responsibilities

The Civil Contingencies Act 2004 provides a legal framework that places a requirement on The Highland Council to:

1. Assess the risk of emergencies occurring and use this to inform contingency planning.
2. Put in place emergency plans.
3. Put in place Business Continuity Management arrangements.
4. Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency.
5. Share information with other local responders to enhance co-ordination.
6. Co-operate with other local responders to enhance co-ordination and efficiency
7. Provide advice and assistance to businesses and voluntary organisations about business continuity management.

This legislation identifies The Highland Council as a first responder along with the emergency services in an emergency/major incident situation. This will involve partnership working with the emergency services but in reality the role for The Highland Council is more prevalent in the recovery stage.

The Highland Council also has a number of statutory obligations that can be split into three categories:

- Statutory functions – little discretion
- Statutory functions – with discretion
- Discretionary functions

The Highland Council, as a member of the Highlands & Islands Local Resilience Partnership, is working with their partners to mitigate and respond to significant disruption arising from a reasonable worst case scenario EU exit.

Statutory functions

– little discretion can be further broken down as follows:

- Development Plans
- Development Management (planning applications)
- Planning gain negotiations
- Common Goods Funds Management
- Liquor and Gambling Licensing
- Assessing flood risk
- Management of licensed sites
- Reduce carbon emissions and report them
- Waste Transport and disposal
- Access to land
- Registration (Births, deaths, marriages)
- Burial Ground duties
- Planning enforcement
- Building standards
- Customer Services and Service Planning
- Local Housing Strategy
- Private landlord registration and HMO licensing
- Private sector housing grant
- Scottish Housing Quality Standards
- Environmental Health: Water Supplies
- Environmental Health: Food Safety
- Environmental Health: Other Functions
- Early learning and childcare
- Primary education
- Secondary education
- Free school transport
- Named person service: Childs plans including QA & Review
- Health visiting
- Navigation lights
- Counter terrorism
- Dog control services
- Criminal Justice Social Work
- Mental Health Officers
- Statutory Homeless presentations
- Social Work Looked after Children Services
- Fostering and Adoption Services
- Child Protection Social Work
- Assessment of children's' needs and Risks
- Community right to participate
- Asset transfer to community groups
- Children's rights to know – FOI, Data Protection, Complaints, Ombudsman etc.
- School closure process
- Boundary Commission statutory consultee
- Elections
- Regulated property maintenance (H&S)
- Technical support to Community Services
- Production of annual accounts
- Administration of VAT
- Statutory Finance Officer
- Member's budget
- Administration of Member expenses
- Audit Scotland Fee
- Public sector networks compliance ICT
- Health and Safety at work of all its employees and others who may be affected by its undertakings
- Administration of Local Government Pension scheme
- Statutory Monitoring Officer (legal advice and standards)
- Occupational Health (health surveillance for staff working in dusty, noisy environments, working with/exposed to certain chemicals or substances or noisy/vibrating equipment).

Statutory functions

– with discretion can be further broken down as follows:

- Capital Programme & management
- Major developments pre-application service
- Local pre-application service
- Harbours
- Industrial and investment portfolio
- Business Gateway
- Tain Mussel Fishery
- Non- liquor licensing
- Environmental health: health and safety at work enforcement
- Trading standards
- Understanding and tackling poverty
- LEADER
- Childcare strategy and wrap around care
- Coastal protection
- Flood protection work
- Watercourse maintenance
- Management of energy consumption (internal)
- Energy reduction projects
- Collection of waste
- Food waste collections
- Collection of recycle
- Commercial waste
- Forestry service
- Environmental health: contaminated land
- Road verge and grass cutting
- Environmental capital projects
- Long distance paths
- Biodiversity
- Historic environment team
- Provision of civil amenity sites
- Environmental facilities management
- Enforcement action – Environmental health eg: dog fouling, littering, abandoned vehicles
- Street and road cleansing
- Gaelic language plan
- Providing recreational, sporting and cultural facilities
- Public libraries
- Archive services
- Museums
- Pathfinder North
- Gaelic medium education
- Faith education
- Quality improvement in schools
- Concessionary school transport
- Educational psychology
- School hostels
- Environmental Health other functions (e.g. pollution, animal health, HMO's)
- Play areas – inspection and maintenance
- Delivery of affordable housing
- Empty homes initiative
- Sites for gypsy and travelling communities
- Delivery of infrastructure capital projects
- Road maintenance (cyclic, planned and reactive repairs)
- Road drainage
- Bridge maintenance
- Local transport strategy
- Quality bus partnership
- Allied Health Professionals (NHS)
- Children's Services Planning
- Childcare strategy and wrap around care
- Adult social care
- Anti-social behaviour
- Environmental health pest control enforcement
- Local coordination emergency planning
- Civil contingency public information

- Road safety
- Winter maintenance (public roads and footpaths)
- Traffic management
- Homelessness
- Corporate parenting
- Through care and aftercare
- Lead professional (care management)
- Residential child care
- Out of hours social work
- Lead officers for social work, education and nursing
- Additional support for learning
- Specialist services (includes vision support and assistive tech.)
- School transport (additional support needs)
- Health improvement
- Equalities duties
- Language support including BSL
- Administration of payments for pupils (free school meals, clothing grants, EMA)
- Money advice and income maximisation
- Free school meals
- Understanding and tackling poverty
- Community participation in decisions and resources
- Community planning
- Community learning and youth work
- Charitable Trust administration
- Public performance reporting
- Elections – public information
- Democratic services and support for local committees
- Supporting the Community Planning Partnership, Local Committees and District Partnerships
- Engagement and scrutiny of Police and Fire Services
- Community Councils
- Energy and engineering design service
- Asset management plans
- Property maintenance Council and HLH premises
- Facilities management
- Estates service
- Cleaning
- Depots – for vehicles
- Stores and procurement
- Fleet (vehicles and plant maintenance)
- Collection of Council Tax
- Non domestic rates administration
- Payment of creditors
- Financial management
- Avoidance of corporate fraud
- Procurement function
- Internal audit
- Corporate performance management
- Emergency planning and business continuity
- Risk management
- Treasury management
- Community services performance management
- Corporate business and service functions
- Service information C&L
- Collection of Scottish Water charges
- HR – Equalities and Employment law compliance
- Payroll
- Social care qualifications
- Homeless prevention service (part of single housing option service).
- Scottish Reform Fund
- Collection of monies BIDs

Discretionary functions can be further broken down as follows:

- City/Region deal
- Regeneration bids
- Airstrips
- Highland Economic Forum
- Information and Research team
- Europe – ERDF & ESF
- Tourism
- Business development finance
- Materials testing lab construction projects
- Quality assurance (Sconsor quarry certification)
- Employability service
- Developing Scotland's young workforce
- Energy strategy
- Recycling waste
- Green waste
- Bulky uplifts
- Education and awareness on waste and recycling
- Highland Environment Forum
- Conservation area regeneration schemes
- Regeneration of vacant and derelict land
- Amenity grass cutting
- Cemetery grass cutting
- Countryside rangers
- Planted areas
- Fly tipping
- War memorial safety and amenity
- Christmas lights
- Music tuition
- School catering – paid meals service
- Public transport
- Corran ferry
- Community transport
- Car parking and car parks
- Council housing
- Council house build programme
- Land bank fund
- Public conveniences
- Play areas
- Early intervention in school years
- Community Early Years practitioners
- Commissioned preventative services
- School nursing (NHSH)
- MAPPA (Multi Agency Public Protection Arrangements)
- Violence against women, Women's Aid and MARAC (Multi Agency Risk Assessment Conference)
- Safe Highlanders event
- Roads and Transport communications section
- Street lighting
- School crossing patrollers
- Pest control service
- Primary Mental Health Workers (NHSH)
- Managing the Children's Hearing Area Support Team
- Commissioned preventive services
- Support for community led culture and leisure services
- Ward discretionary grants
- Community resilience plans
- Support Community Benefit Negotiations
- Lobbying Governments
- Social media engagement
- Island Bill – next steps
- Civic responsibilities
- Administrative support for Council Leadership
- Design consultancy services (in house)
- PPP projects
- Joint ventures (property partnerships)
- Estates management
- Grant claim audits
- Company secretariat service to ALEOs
- Professional financial advice
- Internal legal services

- Insurance
- Business support
- Managing reputational risk
- Corporate branding and public information
- Business management (CEX & Corp Dev)
- Digital Services
- ICT Services
- ICT Support
- Programme management of transformation work streams
- Asset rationalisation
- Commercial practice
- Procured legal services
- Scotland Excel membership
- Human Resources
- Workforce planning and staffing
- Staff and Member learning and development
- Staff occupational health (attendance management)
- Internal communications
- Deprived Area Funding
- Prevention funding to NHSH