

IAN HENDERSON
Covenry Lanchester Polytechnic

SHEEP SCAB, WARBLE FLY, AND THE END OF THE WORLD
 AS WE KNOW IT

Local Government's Role in Emergency Planning*

INTRODUCTION

Since 1974, civil defence and emergency planning have been part of the functions of county councils in England and Wales, and Scottish regions. These activities have usually fallen to the lot of a Public Protection Committee, which also embraces the fire and rescue service, trading standards, and the coordination of effort in the field of disease prevention in crops and animals. In the first few years of their existence, Public Protection Committees transacted much routine but useful business, and were not highly politicized.

1980, however, saw a transformation which placed these committees at the centre of the political stage. The NATO two-track decision in 1979 and the proposal to station Cruise missiles in Britain caused the new British government to look more closely at the state of civil defence, held to be a minor but visible part of the allies' deterrent posture. *Protect and Survive* was issued, greeted with derision by the revived peace movement paving the way for their determined campaign to persuade local authorities not to cooperate in civil defence.

This turned out to be a highly successful campaign by the peace movement, which mobilized its formidable capacity to research, educate, agitate and organize at local level. Caught between the two protagonists were the Public Protection Committees, surprised to see the public attending their

Caught between the two protagonists were the Public Protection Committees, surprised to see the public attending their meetings for the first time within living memory.

meetings for the first time within living memory. Many Labour councillors decided that being in favour of peace was the same thing as being in favour of the peace movement, and no doubt the early 1980s will be seen as the high tide of unilateralism in the Labour Party. I was, by contrast, a Labour councillor of a Healeyite persuasion. This article brings together some obser-

* An earlier version of this paper was delivered at the Annual Study of the Association of Civil Defence and Emergency Planning Officers on 26 June 1985.

vations about the place of civil defence and emergency planning in local government, based on my experiences on Warwickshire County Council from 1981 to 1985.

THE HOME OFFICE: THE SWITCH TO THE RESOLUTE APPROACH, 1980-85

The revival of civil defence had begun in 1974, after some years of dormancy¹. The 1974 Regulations made under the Civil Defence Act 1948 were not onerous; local authorities had a duty to make plans for wartime emergencies, but there was no duty to update them; above all, there were no "teeth" to compel recalcitrant or inactive authorities to make any standard minimum provision². The Home Office's review of provision in 1980 revealed widespread supineness in local authority attitudes to civil defence. Circular ES 1/1981 signalled a more positive line for local authorities. It spelt out the government's new emergency planning assumptions (7 days' warning of hostile attack; the basic essentials of plans should be capable of implementation within 48 hours) and announced more government money for local authority schemes for wartime headquarters, surveys for communal shelters, and a more concerted effort to integrate volunteers with the civil defence effort. There would be resources for more professional staff. Indeed, it was clear that the projects outlined would have to be underpinned by more professionals. These staff would receive 75 per cent Home Office grant³.

This turn of policy brought a thunderous retort from Labour Party Conferences and the peace movement, which was at its zenith in the early 1980s⁴. Already on 5 November 1980 Manchester City Council had declared the city a "nuclear free zone" (NFZ) and within a matter of months, about 60 authorities were preparing to follow suit⁵. Though the full implications of what NFZs meant was yet to be worked out, the immediate reaction of these councils was to refuse to cooperate in civil defence planning. In particular they refused to participate in Hard Rock, the 1982 civil defence exercise.

The forced cancellation of Hard Rock in the summer of 1982, due to the non-cooperation of over twenty county councils, was a nadir for the Home Office and the civil defence establishment. They had been unprepared for the propaganda war against civil defence waged not only by the NFZ authorities but by the Campaign for Nuclear Disarmament (CND), Scientists against Nuclear Arms (SANA) and the Medical Campaign against Nuclear Weapons. Though civil defence was, in expenditure terms, a trivial item in the total bill for nuclear deterrence, it was highly visible and its traditional structure since 1935 had involved local authorities; now these local authorities had turned upon the government and rejected the whole idea of civil defence in a nuclear era. SANA and CND had even run an effective counter-operation called "Operation Hard Luck".

The Home Office's reaction was to crack the whip. It belatedly asserted its authority through the 1983 Civil Defence Regulations, which placed a duty on all local authorities to take part in training exercises, as well as to keep

plans up to date, provide emergency control centres, and arrange to train relevant staff and recruit community volunteers⁹. In response to pressure from the local authority associations, the government did not make it compulsory for council staff to participate in civil defence planning, though councils must train "an appropriate number" of staff.

What will happen if the NEZ councils (now numbering about 180) neglect to submit their updated plans to the Home Secretary is an interesting question, and may set the agenda for the next round of the contest between central and local government. Manchester, for example, wrote to the Home Secretary to say that they could not achieve the deadline of 31 December 1985, "because of lack of information, because of other issues which we are involved in, like abolition and rate-capping". Manchester are now considering carrying out their own war effects studies so as to arrive at their own conclusions of "what type of civil defence, if any, we can carry out".

The problem is not in reality "lack of information". Much of the peace movement's propaganda is based on official circulars and leaflets on civil defence, addressed either to the general public or to local authorities. Rather it appears as if the Home Office propagates fundamentally commonsense doctrines in an insensitive way, showing no concern at all for changes in the attitudes of an increasingly non-deferential public. *Proter and Survive* was "the best gift CND ever had from any government", according to Philip Bolsover.

But the most damaging effect of the pamphlet (later withdrawn and re-written) was that it encouraged research into the circulars on civil defence that the government had been sending out since 1974 as instructions to local authorities, fire brigades, the police, regional health authorities and other organizations. These showed the government anticipated that during and after a nuclear attack there would be a national collapse of medical services, electricity, gas, water and food supplies. The sewage system and communications would be wrecked. A small remaining, half-starved, psychologically disturbed population, rapidly diminished by radiation sickness and ravaging epidemics, would be ruled by commissioners with dictatorial powers; and armed forces would be on hand to control looters and put dissenters into concentration camps, or as the last resort shoot them.

This information was widely disseminated by CND, and, not surprisingly, people who had tried to ignore the danger of nuclear war found it alarming. Recruits flocked into the Campaign¹⁰.

In an attempt to enshrine official Civil Defence doctrine in one volume, and at the same time no doubt improve the morale of the majority of local authorities who wish, with varying degrees of enthusiasm to cooperate in civil defence, the Home Office published its *Emergency Planning Guidance* in 1985⁹. The *Guidance* brings no surprises to those familiar with Home Office doctrine, but it is an important reference work which sums up government thinking on the coordination of services in the event of hostile attack, and government expectations of local authorities in the realm of the preparation of plans. There is no change to the no-shelters and no-dispersal policies

in the event of hostile attack, and the "planning assumptions" about the effects of conventional and nuclear attack are couched in general terms, backed by the longstanding justification for civil defence, that it would increase the chances of survival of a greater number of people, and would increase the chances of a restoration of normality "post attack"¹⁰.

The *Planning Guidance* makes no concessions to demands from the NFZs to name likely targets in individual local authority areas, or to reveal details of the emergency powers to be granted to the authorities. Nor is the debate on the "nuclear winter" referred to. No doubt to address these issues would have been tantamount to engaging in debate with the peace movement on their own ground¹¹. Plans are on hand to issue more official leaflets and a film for public consumption. There, for the moment, the matter rests. The Home Office now has the power to insist on the compliance of local authorities in producing plans and participating in exercises; it has issued its *Planning Guidance* to bolster morale and spell out what is required; and it is moving forward (somewhat ponderously) on the propaganda front in order to engage the peace movement in public debate. The NFZs have done little or nothing to comply and even cooperative authorities complain of lack of time and resources to produce plans on time. 1986 seems likely to witness a sharpening of conflict in this particular sector of central-local relations.

CIVIL DEFENCE AND EMERGENCY PLANNING: IS THERE A WAY OUT?

The problem of scale has already been described: the only democratically elected body available to implement central government plans for civil defence in the event of hostile attack is a relatively minor county council committee. The funds allotted to this function are such as to make civil defence

... the only democratically elected body available to implement central government plans for civil defence in the event of hostile attack is a relatively minor county council committee.

and emergency planning the smallest item on that committee's budget, trailing behind the fire service and trading standards. Yet the issues to be discussed are literally world-shattering, and many members lapse into despair and cynicism when asked to discuss the effects of a nuclear strike as a minor part of an agenda featuring diseases of animals and the illegal clocking of motor cars.

Peace-time emergency planning, on the other hand, is a perfectly acceptable function for these committees. It is non-partisan, agreed by all to be a laudable and necessary part of the functions of local government and the only questions tend to technical ones¹². Perhaps for this reason, many CEPOs favour the "all-hazards approach", which effectively means blurring

the distinction between wartime and peacetime emergencies and using resources allocated for civil defence to bolster peacetime emergency planning. In practice many plans are applicable to both peace and war. They would be carried out by the same group of officials and organizations, and the "all-hazards approach" would no doubt underline the essentially humanitarian function of civil defence, and perhaps dull the knee-jerk reactions of some members to all talk involving "defence". The disadvantage would be that rogue authorities might decide to spend their entire civil defence grant on peacetime emergency planning. One must, after all, recall the use made by some authorities of Section 137 to spread "propaganda on the rates".¹⁴ An "all-hazards approach", in other words, is unlikely to solve the key political problem of confrontation between the government and the NFZs.

Can the problem be solved by a more resolute approach? Some Conservatives have proposed an inspectorate for civil defence, having powers to inspect local authority plans and arrangements, and reporting back to Whitehall.¹⁵ This at first glance has its attractions. Surely a service which is by definition vital to the nation as a whole should have its standards fixed and any recalcitrants pinpointed quickly? The present system of Home Office circulars is hardly the most efficient means of information-gathering, and the appointment of Eric Ally as an adviser in 1985 was perhaps an acknowledgement that they needed someone from the grass roots of local government to interpret the scene. It is also true that education, the fire service and the police are all accountable in varying ways to Whitehall-appointed inspectors. This ensures national standards and gives officers guidance and support. However, the disadvantages of an inspectorate appear to outweigh the advantages: the national consensus that there is a need for education, police and the fire service cannot be said to exist for civil defence. Inspectors would therefore be seen to be yet another stick used by Whitehall to belabour local democracy.

A more radical measure would be to remove wartime emergency planning from local authority control, leaving the Public Protection Committees to deal with the uncontroversial area of peacetime emergency planning. Civil defence could then be placed on a regional basis, using the Regional Seats of Government (RSSG) structure on which the pre-1968 civil defence system was based. This regional level of government already exists in the plans for hostile attack, though it has no reality apart from this. The Home Office is experimenting with a revival of the regional structure for civil defence in north-west England.¹⁶ There seems little rhyme or reason for selecting English counties as units for civil defence planning, given the scale of modern warfare. Yet at the same time the arguments against change are also powerful, as in the case of inspectors. No regional level of government yet exists in England and Wales, and the Scottish regions range in size from Fife to Highland or Strathclyde. The existing local authorities represent the only popularly elected bodies in Britain outside the House of Commons, and only they possess the legitimacy to implement politically sensitive measures. To

administer civil defence through regional agents of Whitehall accountable only to the Secretary of State would diminish the sum total of government accountability, and would confirm the peace movement's "bunkers for burcaucrats" thesis.

A "GREAT DEBATE"?

The "resolute approach" to civil defence in Britain would lead further down the road of confrontation between central government and local authorities. Instead, the government should emerge from its shell and make explicit statements about policy alternatives. How much would a shelters policy cost, and is there a halfway house which would encourage the public to believe that the government was planning for the protection of the population as well as its control? What are the government's scenarios of vulnerable targets and its assumptions about damage and casualties? Issuing circulars and subordinate legislation is not the same as public debate. Presumably wise heads in Whitehall advise that raising the political temperature of the debate would have the effect of spreading alarm and despondency. "Emergency planning is surrounded by issues so fundamental that the only comfortable and convenient course is to ignore them", as Peter Richards remarks.¹⁷ But the Home Office's tactics in the last five years have gained it the worst of both worlds: emergency planning is hardly on a sound basis when 180 authorities refuse to cooperate and many others complain of lack of resources and a poor public image. At the same time, the high ground of debate has been taken by the peace movement, using government circulars and pamphlets to "prove" that civil defence is all about control of the civil population and the protection of a small government elite, that civil defence is foolish and futile, and part of an intensified nuclear strategy.¹⁸

Part of the "Great Debate" must be for government to inform and persuade local councillors more vigorously. They receive mountains of literature from the peace movement. This is countered by the efforts of individual EPOs, but there is no contest. Councillors seldom, if ever, receive any of the propaganda leaflets with which the Home Office counters the peace movement's arguments. We are now in the era of "the new assertive politics of local government".¹⁹ Councillors of all parties are demanding to know more about the decisions they are asked to make, and take less kindly to having duties thrust upon their authorities without much preparation or explanation.

The peace movement is wrong about civil defence. The horrors surrounding scenarios of nuclear attack do not justify doing nothing. Civil defence is not foolish or futile; its purpose is humanitarian, and not every hostile attack is likely to end in nuclear annihilation. But there can be legitimate debate about the resources to be devoted to it, and about the best methods to employ in protecting the civil population. It is time that the debate on these issues was widened to embrace those councillors and members of all parties who are unimpressed by the simple certainties of the peace movement, but

at the same time want to be treated as intelligent adults by the planners of Whitehall.

NOTES AND REFERENCES

1. For the history of civil defence in Britain see Duncan Campbell, *War Plan UK: The Truth about Civil Defence in Britain*, Burnet, 1982; Sandy Harding, "Jubilee Year for Civil Defence", *Local Government Chronicle*, 19 April 1985.
2. Civil Defence Act 1948, s.2(1); Civil Defence (Planning) Regulations 1974, S.I. No. 70; Lexa Hilliard, "Local government, Civil Defence and Emergency Planning: Heading for Disaster?", *Modern Law Review*, forthcoming.
3. Home Office Circular ES 1/1981, 20 March 1981. See also Home Secretary's statement and debate: H. of C. Deb. 5th Series, 990, cols. 790-804, 7 August 1980.
4. Report of the Annual Conference of the Labour Party 1981, pp. 146-148, 151-157. On 30 September the Conference carried a resolution supporting local authorities that declare nuclear-free zones, endorsed the decision of some local authorities to cancel their civil defence programme, and proposed that all authorities cease their preparations immediately. No mention was made of civil defence in the Labour Party's Election Manifesto in 1983, however.
5. "Nuclear-Free Zones: the First Five Years", *Sentry*, 11 November 1985.
6. The Civil Defence (General Local Authority Functions) Regulations 1983, S.I. No. 1634, Regs 4 and 5, and Annex to Home Office Circular No. ES 1/1983.
7. Vernon Cressley, Assistant Town Clerk, Manchester City Council, interviewed in *Sentry*, 11 November 1985, p.13.
8. John Minton and Philip Bolsover (eds), *The CND Story*, Allison and Busby, 1983, p. 89.
9. Home Office, *Emergency Planning Guidance to Local Authorities*, 1985.
10. *Ibid.*, section 2: Planning Assumptions.
11. The conventional and nuclear targets in the Hard Rock scenario, and the nuclear targets in Exercise Square Leg (1980) were published in Campbell, *War Plan UK*, pp. 34-5, 50-51, 55.
12. Civil defence and emergency planning, though the function of local authorities through CEPDs, are distinct from each other both legally and in Home Office doctrine. Civil defence is a duty laid upon local authorities under the Civil Defence Act 1948, and is the subject of Home Office grant; emergency planning for natural disasters or major accidents in peacetime is performed by local authorities under section 138 of the Local Government Act 1972, and is treated as part of the general expenditure of the local authority for Rate Support Grant purposes. Hilliard, *op. cit.* (note 2 above).
13. Warwickshire County Council in 1981 was required to prepare 42 emergency plans, of which 22 were for peace and war, 14 were for war only, and 6 for peace only. Warwickshire Public Protection Committee, 1 December 1981. Agenda No. 4, Appendix A.
14. Helen Thompson and Chris Game, "Section 137: Propaganda on the Rates?", *Local Government Studies* 11:2 March/April 1985. This is section 137 of the Local Government Act 1972. The Local Government Act 1986 now covers this point.
15. Robert Banks MP, in H. of C. Deb., 5th Series, 990, col. 796, 7 August 1980.
16. R. Morris, "Home Office Review", paper given to the Annual Study of the Association of Civil Defence and Emergency Planning Officers, 26 June 1985.
17. P. G. Richards, "Questions about Local Authorities and Emergency Planning", *Local Government Studies*, 5:3, May/June 1979.
18. See, for example, *The Civil Defence Campaign Guide*, CND Publications, 1984.
19. George Jones and John Stewart, "Agenda", *Local Government Chronicle*, 22 March 1985.

WESLEY HALL

Construction Industry Contracts Compliance Unit, ILEA

Contracts Compliance at the GLC

THE HISTORICAL CONTEXT

Contracts compliance is the use of the public sector's economic power as an instrument of public intervention in the market economy to bring about changes in bad employment practices.

The use of Codes of Practice and Standing Orders of Authorities has a long pedigree, and although seen as an innovation in Britain has precedents elsewhere. Since 1965, the American Department of Labour has been responsible for enforcing a Presidential Executive Order (which followed on from the Civil Rights movements) that requires contractors doing business with the Federal Government to take positive action to eliminate employment practices which constitute a barrier to the employment of women and black people. The Office of Federal Contracts Compliance Programmes (OFCCP) issues guidelines to assist contractors in developing affirmative (or "positive") action programmes, a copy of which has to be submitted to the OFCCP on request. The OFCCP has monitoring, inspection and review powers to ensure that contractors are complying with the terms of the Executive Order (similar to those powers assumed by the GLC's Contracts Compliance Units (CCUs)).

Moving closer to the United Kingdom, in Northern Ireland since 1971, firms tendering for Government contracts in Ulster have had to give a com-

... in Northern Ireland since 1971, firms tendering for Government contracts in Ulster have had to give a commitment not to discriminate on grounds of religion.

mitment not to discriminate on grounds of religion. Under the Fair Employment (Northern Ireland) Act of 1976, the Fair Employment Agency (FEA) was given power to investigate allegations of unlawful employment discrimination on grounds of religious belief or political opinion. The 1976 Act also provided for the FEA to maintain a Register of Equal Opportunity Employers and Organizations consisting of those who subscribed to the Declaration of Principle and Intent; the Declaration itself consisting of the employers' commitment to promote and protect equality of opportunity in employment according to the letter and spirit of the law. The FEA was given the additional power to remove from the Register the name of any declarant who refused to reaffirm his intention to adhere to the Declaration. Add to this the pioneering work of the London County Council (LCC) almost 100