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DRAFT CIVIL DEFENCE REGULATIONS THE CURRENT SITUATION.

Progress of the Draft Regulations

The draft civil defence regulations have now been circulated to the local authority associations and the GLC. The essence of the new proposals is much as anticipated in the consultation paper issued by the Home Office (or SHHD in Scotland) in October, with the exception of new references to evacuation and public shelter.

Conscription of local government employees

Local government employees will have a new legal duty to take part in civil defence preparation, training and exercises, as instructed. Staff in any local government department could be affected - parks department staff training for mass burials; school cooks planning post-holocaust catering etc.

Attack on local democracy

The Home Secretary will be assuming discretionary powers to give individual authorities specific instructions. If he regards it as necessary he may appoint commissioners to carry out work and charge the authorities the full cost, ungrant-aided. Councillors could then be surcharged for the additional costs. This further erosion of local democracy has provoked considerable concern (see annex for details), especially in view of the fact that the Home Secretary will basically have the discretion to decide which authorities have satisfactorily complied with the law or not.

New duties for local authorities

For the first time local district councils will have significant civil defence duties forced on them. They will have to provide, equip and maintain premises suitable for use as a control centre "where action to be taken before, during or after a hostile attack can be controlled and co-ordinated" - an immensely costly duty if it is done properly. Also they will be forced to co-operate with county authorities, participate in exercises and arrange for the training of staff.

County and Regional authorities will have a number of new duties. They too will have to participate in exercises, arrange for the training of staff and provide, equip and maintain a control centre. They must also organise the use, training and exercise of volunteers and survey their area to find suitable sites for public shelters. Planning duties will include reviewing and keeping under review all plans; planning for public evacuation; the maintenance of refugees; provision of public civil defence shelters; a rescue service for people trapped in buildings and securing voluntary help.

Costs

The Government has failed to produce draft grant regulations but the October consultation document suggested that some expenditure would be 75% and some 100% grant aided. The total UK civil defence budget 1983/4 will be £45 million. The Government intends local authority expenditure to double to reach £13 million in England and Wales and £2.3 million in Scotland although only a limited proportion of these sums will be rate-bourne. Even bodies sympathetic to civil defence in principle have objected about the obvious discrepancy between Government expectations and the provision of adequate resources. By any standards £15 million to fund these measures must be seen as derisory and this can only further the view that present civil defence planning is a deliberate sham.

Where local authorities already have total budgets close to, or over, prescribed spending limits increased expenditure on civil defence, even where it is 100% grant-aided, could attract significant "overspending" penalties.

Volunteers

County authorities will have to "organise the use, training and exercising of persons volunteering their services". Patrick Mayhew, Home Officer minister responsible for civil defence, has said that a figure of 350,000 volunteers would be a good starting point. The GLC understands that it alone will be set a target of 20,000 volunteers.

The organisation and training of volunteers would be a considerable undertaking for any county council. Opposition from some members of staff who would be needed to help train volunteers can be anticipated, in line with their unions' policy. A further worrying aspect is that the draft regulations provide no right to local authorities to refuse anyone who presents themselves as a volunteer. This could open the door to anyone from extremist groups interested in "home defence" training - perhaps with a view to its strike-breaking and "anti-subversive" potential.

Evacuation

A new feature of the proposals, which was not mentioned in the consultation paper, is that local authorities at county and regional level will have to make plans for "transferring members of the civil population from one area to another in the event of hostile attack or a threat of hostile attack". The Government has so far refused to provide any assessment of which areas it would be advisable to evacuate people from and to which areas they could be safely evacuated. The intention of this provision appears to be principally to allay public concern over the official "stay put" policy.

During the 1960s there was a policy of evacuation from population centres of up to 10.5 million people. The logistical problems of this scheme were obviously colossal and it was abandoned in 1967. Scientists Against Nuclear Arms (SANA) have advised MPs and councillors to examine the credibility of the assumptions behind this plan most carefully. SANA will be producing further technical briefing on the draft regulations covering this point.

Public Shelters

The regulations indicate that the Government does not envisage the construction of deep shelters for the bulk of the population. Instead it wishes to identify existing structures such as underground car parks and caves which could be rapidly turned into shelters. It is unlikely that more than a small fraction of the population could be protected by these means.



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TAKING ACTION TO OPPOSE THE REGULATIONS

1. Council Policy

Many councils and councillors have not seen the regulations as they were only circulated to local authority associations. Ensure that your council debates the issue and that all councillors have access to the draft regulations and briefing papers. Briefing is available from the Nuclear-Free Zones Steering Committee, PO Box 532, Manchester M60, 2LA or from CND, 11 Goodwin St, London N4.

2. Publicising Council Opposition

Urgently prepare a statement from the council setting out the reasons why it objects to the proposals, the potential cost of implementing the proposals and points where clarification is needed from the Home Office (see Annex). Send this to:

- a) staff trade union representatives; asking for a meeting;
- b) the Home Secretary, asking for a meeting;
- c) the Home Affairs spokesmen of other parties;
- d) MPs and Lords from the area, asking for a meeting;
- e) the relevant local authority association;
- f) neighbouring councils, suggesting joint action on the issue;
- g) area executives of political parties;
- h) the Press.

and copy to the Nuclear-Free Zones Steering Committee and to CND for information.

3. Technical Briefing on the Issues

Scientists Against Nuclear Arms (SANA) have distributed technical briefing on the regulations to councils. They have had many responses thanking them for their assistance and contrasting the depth of the information received with the lack of proper guidance from the Home Office. The recent report by the British Medical Association judged SANA's figures to be more accurate than those of the Home Office, which resulted in very large underestimates of casualties from nuclear attack.

Members of SANA, the Medical Campaign Against Nuclear Weapons and CND are available to speak at seminars and meetings. Local MPs, together with council employees and members of neighbouring councils could be invited to attend a seminar organised by your council.

SANA can be contacted c/o Dr A D Caplin, Physics Dept, Imperial College, London SW7 2B3. MCANW can be contacted at 23a Tenison Rd, Cambridge. CND's civil defence group can be contacted at the main address, as above.

4. Deputation to Parliament

The Nuclear-Free Zones Steering Committee is arranging a deputation of council leaders to the House of Commons to take place once the regulations are tabled. This may have to take place at short notice so telephone numbers should be sent to the Steering Committee with notification that the leader or mayor will be "on call".

IF THE REGULATIONS ARE PASSED DESPITE OPPOSITION:

1. Local Effects of a Nuclear Attack

SANA are willing to arrange for a full scientific study of the effects of a nuclear attack on your local area. The studies cost a variable amount, depending on the detail required. Sheffield City Council has already commissioned one which is in preparation. This information would then be available for the purposes of civil defence planning and public information.

The co-ordinator for these studies is Dr A Qasrawi, 19 Middleton Rd, Kingsheath, Birmingham, B14 7HX.

2. Planning for resistance

Call a special meeting with local peace groups and council trade union representatives to determine next steps and ways in which collectively you can achieve protection of staff and maximum public awareness of the effects of nuclear war and the lack of effectiveness of the civil defence preparations the council is forced to take.

Liaise with other councils through the Nuclear-Free Zones Steering Committee as no doubt new ideas and legal opinions on the regulations will be forthcoming.



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TAKING ACTION TO OPPOSE THE REGULATIONS ANNEX

A) CALCULATING THE COSTS OF IMPLEMENTATION

" There is no prospect at this stage of increased spending resulting from the new regulations being freed from either the effects of block grant penalties (on revenue) or the limitations of prescribed expenditure allocations (on capital)."

GLC Report.

Staff Training

An unspecified number of staff must be trained to take part in unspecified duties. Staff will be required for shelter surveys, for training volunteers and for extensive new planning duties covering a rescue service, evacuation of the population and public shelter preparation. The GLC has estimated that shelter survey and volunteer training alone would cost an additional £870,000 a year - roughly trebling emergency planning staff.

Other staff than those directly employed on civil defence will have to be trained. This may result in additional staff needs to offset disruption to normal work in other departments. The costs are difficult to quantify until it is clear what scale of staff involvement will be required by the Home Office.

GLC Legal Opinion has suggested that, assuming a casualty rate of 90% for Londoners during a nuclear attack, it may be necessary to train 10 times the actual number of staff which would be required for post-attack duties.

Control Centres

The draft regulations provide for every county council, the GLC, regional councils, district councils, London boroughs and the City of London to "provide, equip and maintain premises suitable for use as a control centre where action to be taken before, during and after hostile attack can be controlled and co-ordinated." (our emphasis).

This is likely to result in considerable additional capital and revenue expenditure as most existing centres are likely to meet these stringent requirements. The cost of providing suitable centres for London alone could run into millions of pounds. The duty would exist immediately the regulations came into effect, irrespective of the availability of grant aid and Legal Opinion has suggested that it is unlikely that the Minister would legally be able to authorise (or require) the non-compliance of any authority for any period. There is nothing in the draft regulations which has the effect of containing the legal obligations of authorities within the suggested annual expenditure (£13 million for England and Wales and £2 million for Scotland - roughly 26p per head).

The original consultation paper sent to Local Authority Associations suggested that expenditure on salaries and associated costs of emergency planning staff and on the headquarters themselves would be 75% grant-aided but an amendment to the 1953 Grant Regulations would provide for 100% grant-aid for the costs of training and

exercising staff and volunteers and the costs of communications and related equipment in wartime headquarters. Of course, even 100% grant-aided expenditure could carry a council's budget into the penalty zone so that significant grant penalties were incurred.

However, no draft grant regulations have been issued and there is no guarantee at all that these provisions would be in force in time to cover expenditure if the civil defence planning regulations are passed.

POINTS FOR CLARIFICATION ABOUT HOME OFFICE PLANNING ASSUMPTIONS

It is impossible for local authorities to plan effectively when the Home Office refuses to release adequate planning assumptions about the most likely nature and scale of attack for which they have to plan. In response to detailed questions about likely targets and forms of attack, the Home Office has replied only that "the sensible and realistic course is to adopt a flexible approach and to plan for a range of attack patterns and targets".

Areas where clarification is essential include:

- a) Warning Time: will there be only 48hrs between the authorisation for the implementation of war plans and the expected time of attack - in other words will measures such as the provision of public shelter have to be capable of implementation within two days ?
- b) Likely nature of attack: do the planning assumptions in the Scientific Advisors Training Manual still hold? ie nuclear attack the over-riding consideration and is any initial nuclear attack likely to be a massive one aimed primarily at nuclear bases? What is the likely scale of attack ? What is the likely overall attack pattern ?
- c) Effects of Attack: in view of the criticism of Home Office assumptions about the scale of attack contained in the British Medical Association report will the Home Office now endorse the assumptions and calculations used by other, more reliable, studies cited in the report - such as those produced by Scientists Against Nuclear Arms? If not, will it provide full details of the basis for its disagreement ?
- d) Special Forms of Attack : what is the likelihood of a nuclear attack including attacks on nuclear power stations and what special fallout effects would result ?
- e) "Self-evacuation": what restrictions will be placed on the free movement of civilians at a time of crisis ? Will there be any official provision for evacuation of people living close to nuclear bases which are likely to be the prime targets of attack ? Does the Home Office still recommend that there should be "no question of implementing emergency feeding arrangements during the pre-attack period for those who chose to ignore the Government's advise and stay in their own homes."
- f) Cruise missiles : does the Home Office accept that we should expect the likely magnitude of attack to increase by 3 or 4 times if Cruise missiles are deployed in the United Kingdom ?

Much of the material in this Annex is derived from GLC studies.

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OPPOSITION TO THE NEW REGULATIONS

The new proposals have provoked widespread concern and opposition amongst the various groups concerned. Obviously, in the forefront of the opposition are those against whom the new legislation is aimed - the "nuclear free zone" authorities who oppose current nuclear weapons policy. However, there has also been opposition from the TUC, individual trade unions and their branches as well as expressions of disquiet from the Association of County Councils and the Association of District Councils which have a majority of Conservative controlled authorities as members.

The TUC has expressed concern over the form of "consultation", which excluded the TUC and national unions, and the industrial relations implications of conscription. They say that what is proposed represents a one-sided, non-negotiated change in staff contracts which even local authority employers could do nothing about if the regulations were passed. They have asked the Home Secretary to withdraw the regulations on the grounds that they help to foster the dangerous illusion that the nation could survive a nuclear war and demanded that the right of local government employees to refuse to take part in civil defence activities on the grounds of conscience be recognised. The TUC will be arranging a meeting with the nuclear-free zone authorities to co-ordinate opposition to the regulations.

The Association of County Councils has expressed serious misgivings about the feasibility of a scheme which attempts to compel people to perform these duties when they may be unwilling, for whatever reason, to do so. Also it criticises the unrealistic expectations of the new measures given the level of financial provision and that the public could be misled about the real effectiveness of civil defence preparations.

The Association of Metropolitan Authorities, worried about the principle of the new regulations, has asked for a meeting with the Home Secretary. It is particularly concerned about the industrial relations aspect of conscription which, they say, seems to have received no consideration.

The Association of District Councils has questioned the financial feasibility of the proposals and has asked for clarification on the question of grant distribution. The ADC feels that conscripts are unlikely to be reliable. It argues that if district councils have to carry out mandatory duties then they should be grant-aided direct rather than through their county councils.

The Convention of Scottish Local Authorities has policy opposing civil defence in principle. In particular it has objected to inadequate consultation on the industrial relations implications; the way in which formal directions will be issued; the provisions for grant and the pre-emption of part of the rate support grant to this function.

The Steering Committee of the Nuclear-Free Zone Authorities, backed by a conference of representatives from these authorities, has objected strongly to the proposals in detail. It specifically opposes the proposals for conscription; the attack on the independence of local government; the expenditure implications and the refusal to provide

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Proper planning assumptions about the likely scale and nature of attack. It has conveyed these views to the TUC and MPs in addition to writing to Government ministers. A full briefing document is available on request from the Steering Committee of Nuclear Free Zone Authorities, P O Box 532, Manchester Town Hall, Manchester M60 2LA.

NALGO, the 800,000-strong local government union, has circulated information to branches about civil defence, reaffirming its support for any member who refuses to take part in civil defence exercises and advising that normal industrial action procedures should be followed if this causes any difficulty. It has protested about the Home Office failure to consult the relevant trade unions. The General Secretary described the proposals as "yet another attack on local democracy and a crude attempt to bludgeon people into taking part in these cynical exercises".

NUPE has also objected to lack of consultation and suggested that the lack of public information about the regulations may be the Government's response to the public opposition which greeted plans for "Hard Rock" last autumn. It said that the imposition of additional duties would be unacceptable.

The National Graphical Association is opposed to any attempt to conscript local government employees; increased expenditure on civil defence; the training of volunteers which could facilitate their use as strike-breakers; and any attempt to delude people that civil defence could protect them from nuclear attack.

The Fire Brigades Union has instructed its members not to be involved in any form of civil defence and has informed the Home Office of this.

The Labour Party Shadow Cabinet has already decided to oppose the regulations in principle and is now seeking information on the likely financial and administrative difficulties which compliance with the regulations would cause for local authorities.

SOME QUESTIONS AND ANSWERS ON THE PROPOSED CIVIL DEFENCE REGULATIONS

1. What exactly is Civil Defence ?

Civil Defence is governed by the Civil Defence Act 1948 and is concerned only with the effects of a hostile attack by a foreign power. It does not include planning for civil emergencies.

2. Why is the Government introducing new civil defence legislation ?

The Government's civil defence exercise "Hard Rock" planned for Autumn 1982, had to be postponed indefinitely because so many local authorities declined to take part. Now the Government is seeking the power to force them to connive in its contemptible confidence trick.

3. What are the current civil defence arrangements ?

At present 3 statutory instruments govern the civil defence duties of councils in England and Wales and each has a Scottish equivalent. They make it a duty for County Councils to 'make plans' for their specific areas of activity in relation to hostile attack. The GLC obtained a legal opinion which argues that their duty to plan is that and no more - such things as training and maintaining war-bunkers are outside their civil defence duty.

District Councils and London Boroughs have a duty to provide information to their county or region.

The general and grant regulations include default powers.

4. What new powers are the Government seeking ?

The Government proposing to introduce measures which will:

- a) give the Government powers to direct individual councils on any aspect of their duties;
- b) conscript any class of council employee into civil defence work;
- c) force new duties and responsibilities onto district councils;
- d) compel councils at all levels to provide and equip war HQs;
- e) compel councils to train and make use of volunteers in civil defence;
- f) make county councils plan for public evacuation and the maintenance of refugees and to plan for providing public shelters;
- g) ensure all councils take part in future exercises.

5. How would these requirements be enforced ?

The Home Secretary or Secretary of State for Scotland would be able to give individual councils specific detailed instructions. Failure to carry these out could lead to commissioners being sent in to do the work, charge the full rate (without any Government grant) and surcharge councillors for the additional costs.

6. What would be the cost to local authorities ?

The position is very unclear as no draft grant regulations have been issued. The consultation paper suggested that some expenditure would be 100% grant-aided and other costs 75% grant-aided. However, the Home Secretary aims to keep expenditure within £15 million* a year (approximately 25p a head) and this would clearly be inadequate for providing all county, district and borough councils with control centres which were capable of operating before, during and after a nuclear attack, let alone all the additional costs of equipment and staff time.

* England, Scotland and Wales.

7. How will council employees be affected ?

The regulations enact a previously unused section of the 1948 Civil Defence Act to conscript local government employees who are not primarily employed for civil defence into civil defence training and exercises, as directed by the Minister. This is effectively a unilateral change of contract made without consultation with the relevant unions. Staff in any local government department could be affected - library staff instructed to practise handing out "Do it yourself" civil defence guides to the public; park keepers told to find suitable sites for mass burials or school meals cooks asked to practise post holocaust cookery.

8 Why does CND oppose "civil defence" preparations against nuclear war ?

- a) The Government's policy is a sham so far as protecting the civil population is concerned.
- b) The Government's policy is aimed at fostering the illusion that civil defence would work, in order that the threat to use the "deterrent", with the inevitable retaliation that would follow, is a credible one.
- c) Civil Defence preparations represent a continuous threat to our individual freedom and democratic rights. In a "period of international tension" measures imposing restrictions on movement and association would be introduced; opposition to the Government view would be stifled so that military escalation could proceed without public dissent.
- d) Implementing measures such as a major public shelter building programme or setting in train evacuation measures would exacerbate existing international tension and could be seen (or misinterpreted) as part of the preparation for fighting a nuclear war.