Response ID ANON-7FMB-F67J-9

Submitted to Resilience Strategy Call for Evidence
Submitted on 2021-09-27 20:46:23

Executive Summary

About You (Required)

1 How are you responding to this Call for Evidence?

as an organisation

2 What is your email address?

Email:
jamie.baker@ukpia.com

About You- Organisations

9 If responding on behalf of an organisation, what type of organisation is it?

a trade body

10 If you selected 'Other', please specify.

Free Text:

11 Which organisation are you representing?

Organisation:
UK Petroleum Industry Association

12 Is your organisation defined as a Category 1 or 2 emergency responder as set out in the Civil Contingencies Act?

My organisation does not come under this categorisation.

13 If responding as a business or trade body, what business sector are you part of?

Business Sector:
The Downstream Oil Sector (Fuel supply)

14 If you are responding as a business, how many employees does your enterprise have?

Fewer than 10

About You- Location

15 Where are you (or your organisation, if answering on behalf of one) based?

England

16 If answering from outside the UK, please say where you are based.

Location:

Context

The Case for Reform

Proposed Scope

Vision and Principles

17 To what extent do you agree with the proposed vision of the Resilience Strategy?

Somewhat

18 Please explain your view.

Free Text:

UKPIA agrees with the need to have a resilient UK and believes that the principles outlined are appropriate for a vision of the National Resilience Strategy (NRS). However, the Strategy should not dismiss or underestimate the current resilience of the UK. Invariably, the difficulty with such objectives is when considering the detail rather than overarching principles and objectives. The downstream oil sector is a good example, having been able to supply fuels to consumers for decades - without long term disruption - through the effective mechanisms of the market. BEIS, in its Downstream Oil Resilience Bill which has been laid in Parliament in draft earlier in 2021, accepts that the industry has been able to provide this security of supply, yet considers that new, potentially very broad, powers should be taken to enable pre-emptive action in certain (as yet undefined) cases. As UKPIA has noted in our feedback to BEIS officials and the BEIS Committee inquiry of June, such broad powers, taken with good intent, may have adverse impacts on commercial arrangements and make the UK a less attractive investment proposition. As was observed in the BEIS Committee Inquiry hearing of 13th July 2021, “it is not clear what the problem to be solved is” and this same question must be asked in developing the National Resilience Strategy, particularly where any new, potentially burdensome measures are introduced.

Looking to the future, new risks are likely to be encountered as the UK transitions to a Net Zero economy. There is expected to be increasing dependence on electricity as a source of energy, therefore, measures must be put in place to ensure resilient supply and to recognise increased risk from climate change events, for example: local flood risk; increased risk of lightning strikes; and power supply disruption.

Other measures will also be required to ensure continued resilience for current energy supply (in particular, for natural gas and petroleum products) as the supply reduces in line with falling demand.

New risk factors may also include non-conventional feedstock availability such as biomass (e.g. non-availability due to bush fires), waste (reduced availability due to circular economy measures) and raw materials (e.g. rare earth metals, lithium and graphite) on which current electrification policies are dependent. These new risks include geopolitical factors, cost and competition for resources (local and international).

19 Is there anything that you would add, amend or remove?

Free Text:

n/a

20 To what extent do you agree with the principles laid out for the strategy?

A lot

21 Please explain your view.

Free Text:

UKPIA welcomes the principles set out for the strategy. It is important that businesses – often as deliverers of resilience on the ground - are able to operate in a stable and well understood policy framework. The intent to provide greater transparency, commitment to collaborate with stakeholders in the development of the NRS, as well as a proportionate approach should all deliver understanding of what is expected in terms of resilience and ensure that no decisions are unexpected or likely to be so impactful as to damage stakeholders’ interests.

While the majority of principles are agreed with, it is unclear, for the downstream oil sector at least, why the roles and responsibilities of Local Responders need more clarity as this has been established for some time and is clearly laid out in the National Emergency Plan for Fuels (NEP-F)

22 Is there anything you would add, amend, or remove?

Free Text:

There is a need for greater clarity and understanding of the role of Local Resilience Forums (LRFs) and devolved administrations, and the boundaries to their responsibilities and authority. The downstream oil sector is best suited to optimise resilience measures for petroleum product supply, working with Central Government. Interference from LRFs in particular has the potential to cause disruption in supply recovery. UKPIA does not support strengthening of the roles and responsibilities of LRFs as regards supply of petroleum products.

UKPIA does not support sharing standardised and useable data with all partners, as this is often commercially sensitive and subject to competition law constraints (even when emergency powers are taken by Government). Data and information requests from Government and other stakeholders are often difficult to respond to in a timely manner when the focus of those required to produce the data is on supply recovery. The events of the September 2021 fuel shortages are a useful example that the Downstream Oil Protocol may not be entirely understood and may need to be reconsidered or better understood among parties.

Risk and Resilience

23 Is there more that the Government can do to assess risk at the national and local levels? If so, what?

Yes

If so, what?:

Mapping of local risks and interdependencies in the fuel supply chain could be improved, e.g. alternative supply routes to and from key locations in the fuel supply chain, alternative access routes for emergency services.

24 Is there more that the Government can do to communicate about risk and risk appetite with organisations and individuals?

Yes

If so, what?:

Setting and communicating clear thresholds for Government's risk appetite would allow businesses to know when interventions might be made, improving transparency (in line with principles) and giving operations greater assurance that their actions will not later be unwound having been deemed to exceed the risk appetite of Government.

As has been noted above, a concern in the draft Downstream Oil Resilience Bill introduced in draft in 2021, has been a lack of clarity about how BEIS intends to use its proposed resilience powers. UKPIA and our members have raised the concern that this will mean companies may need to 'second guess' their actions – for example if the Secretary of State decides a person does not have the necessary financial or operational expertise to operate or purchase an in-scope entity (under proposed 'control powers'), they can stop the person acquiring the asset. While use of that power may be appropriate in some instances – and we view there is overlap with other existing powers in the National Security and Investment Act 2021 - without any clear criteria or methodology set out in legislation that the purchaser can assess on their own in advance of the Secretary of State decision, considerable resource and expense could be put into arranging such a deal with no clarity as to whether they will meet the (unclear) criteria.

The above example relates to a specific, in-draft, piece of legislation, however, the need for increased transparency and communication by government of its risk appetite applies strongly for the NRS too.

Finally, there would seem to be opportunity for more sharing of local risks and interdependencies to CNI (or similarly significant) sites. While this does take place in some cases, most notably in the emergency service structures' intelligence briefings for businesses, there may be opportunity for expanding the existing mechanisms for earlier, or more detailed intelligence sharing.

25 How could the Government make risk assessment and data more accessible by frontline personnel in an emergency?

Please provide your comments in the answer box:

For the downstream oil sector there is a strong ongoing relationship between the energy resilience team in BEIS and industry representatives, leading to effective information sharing in an emergency.

The access that has been granted to trade associations to intelligence reports from emergency services and through the Resilience Direct resource, as well as the NEP-F and other relevant resources through that portal also appears appropriate and could be a way to share more information in line with our answer to Q24.

26 How does your organisation assess risks around unlikely or extreme events, when there is limited or no data?

Please provide your comments in the answer box:

There is a requirement for major hazard sites such as refineries and major terminals, which are regulated under the COMAH Regulations, to consider major accident hazard scenarios including unlikely or extreme climatic events, when compiling Safety Reports. For risks exceeding specified probability or consequence levels, the process requires identification and implementation of appropriate mitigation measures to reduce the level of risk to as low as reasonably practicable (ALARP).

27 How could the current local risk assessment process, managed through Local Resilience Forums, be strengthened to help local partners?

Please provide your comments in the answer box:

As noted in Q21, UKPIA's view is that the role of LRFs is clear for the downstream oil sector as set out in the National Emergency Plan for Fuels. As noted in our response to Q21, there is a need for greater clarity and understanding of the role of LRFs and devolved administrations, and the boundaries to their responsibilities and authority (without any need to change the roles themselves).

Setting out key performance indicators for liaison at the local level between LRFs and CNI sites may be useful and ensure that regular communication is had at the local level – to ensure for example that all designated filling stations are aware they are designated by the local emergency services.

Responsibilities and Accountabilities

28 Do you think that the current division of resilience responsibilities between Central Government, the Devolved Administrations, local government and local responders is correct?

Yes

Please explain your answer:

Subsidiarity works well with Local Resilience Forums working with CNI sites at the local level and also nominating Designated Filling Stations sites and BEIS leading on national fuel response and measures in the NEP-F with higher level contacts with industry including through trade associations.

The CCA Review should also consider the energy transition to Net Zero, with increasing demand for electricity as an energy vector and, at the same time, the likelihood of higher levels of intermittency and interdependency on supply of different energy vectors (e.g. hydrogen supply and CCS will be dependent on resilience in the electricity supply). The responsibilities shared between Central Government, the Devolved Administrations, local government and local responders may well need to adapt to changes in energy supply over time.

29 How can the UK Central Government, Devolved Administrations, local and regional forms of government and local responders better collaborate on resilience?

Please provide your comments in the answer box:

There is a need for a greater shared understanding of roles and responsibilities and avoidance of duplication and multiple requests for data and information. Training and clear guidance which is tested inter-agency will better enable closer collaboration while reducing the potential for confusion during an emergency – particularly on information sharing.

30 What role, if any, should the UK Central Government have in assuring that local areas are effectively carrying out their resilience responsibilities, whilst also respecting local responsibilities?

Free Text:

There are some historic examples, noted in earlier responses, where local responders will look to seek information from fuel suppliers additional to the expected and agreed information sharing mechanisms under the NEP-F. In order to discourage this sort of – potentially time-consuming and distracting – request, UK Central Government should consider improving onward data sharing or sharing of situation reports with local responders – so that local responders can have confidence that they will receive relevant information at agreed intervals and do not need to chase it.

31 The primary legislative basis for emergency management is the Civil Contingencies Act 2004 (CCA). Specific questions on the CCA are covered in Annex A. The UK's resilience also depends on legislation covering specific risk areas including, for example, the Terrorism Act 2000 and the Climate Change Act 2008, amongst others. What do you consider the advantages and disadvantages of the current legislative basis for resilience?

Advantages:

Disadvantages:

Powers available under the CCA have seldom if ever been used for emergencies regarding the downstream oil sector. This is likely because there are other, dedicated and parallel powers and mechanisms for the sector that are more relevant for issues in that sector than the CCA powers.

Partnerships

32 Do you think that the resilience of CNI can be further improved? If so, how?

No

How could the resilience of CNI be improved?:

33 Do you think the introduction of appropriate statutory resilience standards would improve the security and resilience of CNI operators? Why? How would such standards define the necessary levels of service provision?Are there any risks associated with implementing such standards?

No

Please explain your answer:

Given the wide range of assets assigned as CNI, there needs to be a risk-based assessment for each site. Too much variation in assets exists to standardise this in legislation although clarity in the form of guidance may be beneficial and provide both greater assurance for Government and clarity of what is expected across CNI-owning businesses.

How would possible statutory resilience standards define the necessary levels of service provision?:

As above, UKPIA does not believe that statutory resilience standards are appropriate.

What are the risks (if any) of implementing statutory resilience standards?:

The primary risk with new legislated standards would be the potential additional burden that may not work for all CNI sites. While having standards may help give broad brush groupings or assignations such a system may not really go much beyond the current Cat 1 / 2 levels or may not add much value if it breaks this down still further. Furthermore, with the addition of legislation, there would likely be a requirement for a new system of assurance to ensure that legislative requirements are being met – it seems likely that this will increase burdens on both government (and possibly agencies) as well as CNI operators. It is not clear from the Call for Evidence if there is a tangible concern with how resilient CNI is at present so the value of such new standards would appear minimal.

34 What do you think is the most effective way to test and assure the resilience of CNI?

Enter Text:

The current arrangements (including but not limited to: ad hoc data reporting to BEIS, exercises being performed at company level and with Government and other relevant stakeholders on occasion) appear appropriate for the downstream oil sector given the current level of threat and incidents that take place, with any disruptions tending to be short-lived and resolved by the market mechanism and interaction with Government / local responders when required.

35 To what extent do you think regulators should play a role in testing the resilience of CNI systems and operators?

A limited role

Please explain your answer:

Some regulators are already involved in assessment of resilience such as the HSE's role in assessing downstream oil cyber resilience. Given that the HSE already has a role in regulating CNI assets and under COMAH, where sites are required to prepare site and local emergency plans with the fire service and others, it is well placed to incorporate additional roles for resilience for CNI systems and operators given their existing familiarity with the sites, although it is unclear what additional roles are required.

36 During an emergency, what do you think should be the role of the operators of CNI in ensuring continued provision of essential services (e.g. water, electricity, public transport)?

Enter Text:

There is a market incentive for CNI operators in the downstream oil sector to continue the supply of fuels in an emergency. These market forces have proven effective over decades with any physical shortages of petroleum products tending either to be global (as in the 1970s crises, following which the UK has held compulsory stocks of oil), or short-lived (such as when there have been strikes which have seen shortages of fuel at forecourts for a few days at most).

While the continued dependence on petroleum products means that any shortages will have widespread impacts across much of the economy, the market mechanism, aided on occasion by coordination and use of measures in the NEP-F with Government (at the local and national level) has shown that the downstream oil sector is able to ensure continuity of supply in response to many types of issues.

37 How can the Government support CNI owners or operators during an emergency?

Enter Text:

There are well understood and tested information flows between the Energy Resilience team in BEIS and industry for downstream oil emergencies, which tend to involve a number of CNI operators simultaneously given the highly interconnected fuel supply chain.

There have been examples where greater protection of fuel supply sites during demonstrations or industrial action may have assisted continuity of supply, however, it is understood that this may require changes to policies in policing such disruptive events.

38 What role, if any, does your business or sector play in national resilience?

Enter Text:

The downstream oil sector has a role in resilience in continuing the supply of fuels and other petroleum-based products.
As is set out in the NEP-F, trade associations such as UKPIA have a role in communicating with our members and BEIS during an emergency to ensure there is a single view of the situation, and UKPIA also coordinates messaging with members and Government to try and reduce the risk of panic buying during an emergency.

39 What are the risks that your business or organisation is most concerned about?

Please provide your comments in the answer box:

n/a

40 What information, tools or guidance could the Government provide to help your business better assess or prepare for these types of risk?

Please provide your comments in the answer box:

The existing resources in the National Emergency Plan for Fuels and close liaison with BEIS are sufficient for the downstream oil sector.

41 What is your business' approach to building resilience in any key supply chains that your business is part of?

Please provide your comments in the answer box:

The downstream oil sector relies on fair and strong competition, which has for decades supported the efficient delivery of affordable fuels and a market that is able to mitigate the majority of resilience issues. Companies in the supply chain have reputational and revenue incentives to build in business continuity (if you cannot supply you cannot gain revenue and may miss out on future supply contracts), however, the potential for demand destruction in future may have a negative impact on the investment capital available to companies to maintain resilience. That may be offset by demand falling more quickly than spare supply infrastructure – although supply tends to fall irregularly e.g. a refinery, large terminal or pipeline closure could reduce resilience instantly whereas demand tends to fall more slowly.

42 How useful have vehicles such as Local Enterprise Partnerships, Growth Hubs and other local business support services been strengthening your organisations' resilience? Why?

Not Answered

Please explain your answer:

43 What can the Government do to make collaboration between academic and research organisations more effective?

Please provide your comments in the answer box:

44 Are there areas where the role of research in building national resilience can be expanded?

Please provide your comments in the answer box:

Community

45 Do you agree that everyone has a part to play in improving the UK's resilience? If not, why not?

Not Answered

If not, why?:

46 Do you understand the types of emergencies that might impact you and other members of your community?

Not Answered

47 What would help you better understand the risks that could affect your community?

Please provide your comments in the answer box:

48 Do you know where to access information about emergencies that could affect you?

Not Answered

49 Have you considered the actions you might take to prepare for or during an emergency?

Not Answered

50 What has motivated you to plan or make preparations?

Please provide your comments in the answer box:

51 What has stopped you from planning or making preparations?

Please provide your comments in the answer box:

52 What would help you to be able to make a plan or prepare?

Please provide your comments in the answer box:

53 Have recent emergencies (e.g. COVID-19 pandemic, flooding, terrorist attacks) made you think differently about risks or changed the way you prepare for emergencies?

Not Answered

54 Are there any barriers in accessing local volunteering schemes or finding community groups that discuss local emergency planning? If so, what are the barriers?

Not Answered

If yes, what are the barriers?:

Investment

55 How does your organisation invest in your approach to the risks outlined in this document? Is your investment focussed on particular stages of the risk lifecycle (for example, on prevention)?

Please provide your comments in the answer box:

Companies in the downstream oil sector are faced with many risks which are managed as part of the normal running of their businesses – these range from basic health and safety risks associated with working with dangerous chemicals and in high-risk environments to managing wider supply chain risks for what is a set of products on which the rest of the economy is highly dependent. For the majority of these risks, especially those related to safety, a preventative approach based on well-established risk assessment methodologies is the only viable option given the high impact consequences of the risk being realised.

In terms of system resilience, companies in the sector are incentivised to a strong degree by market forces to ensure that they can continue to supply fuels – this is their main source of income and the strong competition in the sector raises the prospect of loss of market share if a company is not able to continue to supply reliably. This incentive means that companies will have strong business continuity plans (across all facets of their business) as well as the government mandated resilience measures that exist in the sector such as the Compulsory Stockholding of Oil (CSO) obligation.

56 Has the COVID-19 pandemic impacted the way your organisation is investing, or will invest, in preparing for these risks?

Yes

If so, how?:

The COVID-19 pandemic continues to impact on levels of demand for petroleum products – according to BEIS Statistics (DUKES 2020) demand for petroleum products in the UK fell by 23.4% from 2019 to 2020, and demand remains lower than usual throughout 2021, albeit not to the same extent. The knock-on impact of lower demand is that the sector's investment capital will therefore be constrained for all potential spend.

There are further challenges as the sector emerges from the depressed demand of COVID-19, which are in the form of i) an imperative to make the energy transition now that the UK government has set in legislation the Net Zero by 2050 target, as well as ii) the ongoing and increasingly significant competitive pressures that apply to UK companies. Operating in a truly global oil market where production requirements and costs (whether that be labour, energy, regulatory, tariffs or other) may not be equally applied means that UK operators - generally at the more expensive or burdensome end of the scale – will continue to have to very carefully balance their investment capital.

57 Are there models of successful resilience investment? If so, to what extent could they be adopted in the UK?

Please provide your comments in the answer box:

n/a

58 Are there examples of where investment (whether by the Government, by businesses or by individuals) has driven improvements in resilience?

Please provide your comments in the answer box:

n/a

Resilience in an interconnected world

59 Where do you see the UK's resilience strengths?

Please provide your comments in the answer box:

With regards to oil supply, the UK has a number of relative strengths which result from its combination of i) indigenous production of crude oil ii) domestic refining capability and flexible infrastructure and iii) strong access to well-functioning domestic and global oil markets, both for crude oil and finished products. As noted earlier in this response, the UK – given these assets – experiences very few and short-lived resilience issues in the fuel sector. The above three strengths are quantified by BEIS's annual assessment of diversity of supply for crude and products (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/920643/Diversity_of_supply_for_oil_and_oil_products_in_OECD which shows the UK tends to rank relatively high among OECD countries against both self-sufficiency and diversity of import supply metrics they assess. As also mentioned earlier, the UK holds stocks of oil above and beyond the market needs via the Compulsory Stockholding of Oil obligation, which sees industry hold 90 days of net imports of oil to meet the UK's international obligation as part of its membership of the International Energy Agency.

As noted in our response to Q18, new risks are likely to be encountered as the UK transitions to a Net Zero economy. New risk factors may include non-conventional feedstock availability such as biomass (e.g. non-availability due to bush fires), waste (reduced availability due to circular economy measures) and raw materials (e.g. rare earth metals, lithium and graphite) which may not have the same resilience strengths as the current fall backs and mitigations in today's fuel supply sector.

60 Are there any approaches taken by other countries to resilience that you think the UK could learn from?

Please provide your comments in the answer box:

61 Which of the UK's international relationships and programmes do you think are most important to the UK's resilience?

Please provide your comments in the answer box:

As noted in Question 59 (and elsewhere), the UK holds stocks of crude oil and petroleum product as part of its membership of the International Energy Agency. The IEA, which has existed since the 1970s, coordinates OECD countries (and increasingly other countries through its associate members) in their response to global oil shortages. While used just three times since its inception, this mechanism along with other political efforts, including the diversification of energy sources among many others, has meant that prolonged shortages of oil have not been experienced in the UK since the mid-1970s. There are few other examples of international programmes that have had a similar impact on the UK's fuels resilience.

With regards to health and safety, the UNECE Industrial Accidents Convention, in which both the HSE and UKPIA have been involved, compiles and shares best practice and has concentrated its efforts on preventing industrial accidents and in particular the international impacts of such accidents which can negatively affect domestic and international resilience.

62 What international risks have the greatest impact on UK resilience?

Please provide your comments in the answer box:

There are many international risks that could impact on the UK's fuel supply resilience, including but not limited to:
• Crude oil market disruptions
• Petroleum product markets disruptions
• CBRNE attacks to large physical sites critical to the above (e.g. attack on Straits of Hormuz)
• Extreme climate events
• Pandemics

63 How can the UK encourage international partners to build resilience to global risks?

Please provide your comments in the answer box:

As noted in Q61, the UK's membership of the IEA has been a positive contributor to global fuel supply security for a number of decades. While the IEA was set up for OECD members, it has recently encouraged a wider membership of countries which has been part of the reason that India and particularly China have built their own stockholdings of oil in the past decade. As the CSO is an international mechanism for security of supply, bringing as many countries as possible into such a scheme reduces the free-rider problem (in this case, where all countries benefit from the stock releases of IEA member countries when they occur) and could be further promoted.

Civil Contingencies Act

64 Does the definition below reflect your understanding of an emergency, and if not how does the definition need to be expanded within the CCA?

Yes

Please provide your comments in the answer box:

65 Is the current designation of Category 1 and 2 responders appropriate? If not, what would be the merits of changing the identities and/or status of responders within the CCA?

Yes

Please provide your comments in the answer box:

The current definitions of Category 1 & 2 responders for the downstream oil sector appear appropriate. Given the relatively high requirements on Cat 1 responders, and the highly competitive UK fuel supply chain, UKPIA supports the definitions which see the most significant fuel suppliers classified as Cat 2, which is in line with other similar utilities or vital product suppliers.

66 Are there gaps in critical representation of responder organisations?

No

Please provide your comments in the answer box:

67 Should elected local figures (e.g. Council Leaders, MPs, Metro Mayors, Police and Crime Commissioners) have greater involvement in emergency planning and preparative exercising, response and recovery and in what way?

No

Please provide your comments in the answer box:

68 Are the current duties on Category 1 and 2 responders, as described in the CCA, appropriate? If not, please list the duties which should be added, adjusted or removed.

Yes

Duties to be added:

Duties to be adjusted:

Duties to be removed:

69 Does the framework set out in the CCA provide sufficient clarity of the different roles and responsibilities of Category 1 and 2 responders?

Yes

70 If the answer to the above question is no, how could this be made clearer within the CCA?

Please provide your comments in the answer box:

n/a

71 There are currently no provisions for collective oversight and assurance of resilience organisations within the CCA as they are reviewed by independent or organisational audit regimes.Are existing mechanisms for oversight and assurance of organisations involved in resilience adequate?

Yes

72 If the answer to the above question is no, please explain why this is the case, providing evidence to support where possible.

Please provide your comments in the answer box:

n/a

73 Should the CCA mandate review of local contingency plans covering a range of risk scenarios?

No

74 If you answered yes to the question above, please rank the options below based on which you think would be most appropriate. For other options, please add to the text box below.

Ranking - Peer review (e.g. LRF to LRF):

Ranking - Independent review:

Ranking - Lead Government Department review:

Other options - please specify:

75 Do the arrangements as set out in the CCA provide the LRF Chair and Secretariat with sufficient means by which they can effectively coordinate contingency planning of Category 1 and 2 responders in their area?

Not Answered

Please provide your comments in the answer box:

76 Enforcement remains an option under the CCA but would only be used as a last resort. We expect all public bodies and local responders to meet the highest standards in performing their duty and these standards are routinely upheld by their own organisational rules and processes. A Minister of the Crown may use High Court or Court of Session proceedings to enforce duties under Part 1 of the CCA upon a Category 1 or 2 responder. Is this the right way to enforce obligations under the CCA if duties are not met?

Yes

Please provide your comments in the answer box:

77 Does the CCA sufficiently consider recovery arrangements? If not, how could this be improved?

Yes

Please provide your comments in the answer box:

78 Are the responsibilities related to information sharing and cooperation sufficient for ensuring an effective multi-agency response?

Please provide your comments in the answer box:

As noted in our response to Q24, there may be some benefits in more information being shared by Central Government with responders within industry (and in LRFs) to ensure that there is common understanding of risk appetite and of operational considerations in resilience (the designation of designated filling stations being an example), however, the scope for such information sharing is limited given competition law constraints in the sector.

See also comments in Q21 on data and information sharing.

In addition to the above, the issues that have been seen for fuels in September 2021, offer a very current example of the importance for better cooperation on resilience. The original issue which was one of a small shortage of hauliers to deliver fuels which had resulted in very short-lived (hours), localised shortages of fuels at a very small number of forecourts (10s at most), eventually led to a degree of panic buying from customers which in fact created fuel shortages that were far greater than the original issues.

Those original issues had been managed by industry over a number of months, but when it was widely reported that there were concerns within the supply chain (the original long-term issues which were being managed), increased collaboration and data sharing between central government which already collects data on forecourt stocks and industry as well as close collaboration on the media approach may have been beneficial, as despite all stakeholders delivering calming messages, the public continued to increase their short-term demand for fuel. As it has turned out, the Downstream Oil Protocol, which can allow for greater information sharing has been enacted but without clarity about how it was to be used. Consideration of the role of the Protocol and greater training and testing of the mechanism may have room for improvement.

Yes

79 How could we improve the effectiveness of LRFs (non-legislatively)?

Please provide your comments in the answer box:

n/a

80 Are LRFs/Strategic Coordinating Groups (SCGs) fulfilling a sufficient role in terms of planning, response and recovery? If not, what are the barriers to this?

Yes

Please provide your comments in the answer box:

81 Should specific duties be placed upon central government in Part 1 of the CCA, and if so, what would these be?

No

Please provide your comments in the answer box:

82 Would you like to note anything in regards to Part 1 of the CCA that is not captured by the questions above?

Please provide your comments in the answer box:

n/a

83 Scotland, Wales and Northern Ireland:The CCA applies to the whole of the UK, but with some variations for Scotland, Wales and Northern Ireland. Part 1 is applicable to the equivalent organisations in Scotland and Wales, but applies only to a limited number of organisations in Northern Ireland. The CCA extends to Scotland, Wales and Northern Ireland in accordance with their devolution settlements and civil contingency arrangements.Are the responsibilities and duties set out in the CCA fit for purpose for Northern Ireland?

Yes

Are the responsibilities and duties set out in the CCA fit for purpose for Northern Ireland?:

UKPIA’s members are spread across the UK including the devolved administrations, as such we welcome consistency of measures across all parts of the UK to ensure common understanding and a regulatory level playing field.

84 Are the responsibilities and duties set out in the CCA fit for purpose for Scotland?

Yes

Please provide your comments in the answer box:

UKPIA’s members are spread across the UK including the devolved administrations, as such we welcome consistency of measures across all parts of the UK to ensure common understanding and a regulatory level playing field.

85 Are the responsibilities and duties set out in the CCA fit for purpose for Wales?

Yes

Please provide your comments in the answer box:

UKPIA’s members are spread across the UK including the devolved administrations, as such we welcome consistency of measures across all parts of the UK to ensure common understanding and a regulatory level playing field.

Civil Contingencies Act: Part 2 & Statutory Guidance

86 The CCA sets out strict conditions which must be met for emergency regulation to be made - this is known as the ‘triple lock’. Are these conditions still appropriate and, if not, how could the ‘triple lock’ be improved?

Not Answered

Please provide your comments in the answer box:

87 Should the regional coordinator role be retained? If yes, why is this the case, and who should be eligible to fill the position?

Not Answered

Please provide your comments in the answer box:

88 Would you like to note anything in regards to Part 2 of the CCA that is not captured by the questions above?

Please provide your comments in the answer box:

89 The following questions are on the Statutory Guidance which accompanies the Civil Contingencies Act 2004 ('CCA').Are there institutions and positions that have come into existence after this CCA was developed which should be included in the statutory guidance? For example, Police and Crime Commissioners and Combined Authority Mayors (‘Metro Mayors’).

Not Answered

Please provide your comments in the answer box:

90 Would you like to note anything in regards to the statutory guidance of the CCA?

Not Answered

Please provide your comments in the answer box:

Glossary