

# WESTMINSTER ENERGY FORUM

*Annual Nuclear Conference – 7<sup>th</sup> February 2008*

## ***‘Factors Affecting Risk & Reward in Future Nuclear Markets’***

**ABN AMRO, 250 Bishopsgate, London**

### **“The Security of Supply and the Supply of Security”**

**Presentation by Melvyn Smith JP – Chairman, Civil Nuclear Police Authority**

Good morning

That slide outlines the competing issues around security of energy supply. Both issues are topical and well documented in a number of places - not least of which is the government's recent white paper on nuclear energy.

I've no doubt that this audience is fully conversant with the issues in that document so I'll not revisit all of them here.

However I will highlight one passage:

**“Without a clean, secure and sufficient supply of energy we would not be able to function as an economy or as a modern society.”**

The purpose of my presentation today is security.

In the area of so-called protective policing services there are many unresolved strategic issues.

We should firstly ask ourselves three simple questions:

- 1) Are all protective services capable of clear and consistent definition?
- 2) How far can some protective services still be regarded as 'level 2' policing matters falling between a local or a national response - and what metrics inform that decision?

And thirdly) how are the policing activities taking place around these gaps to be governed and funded?

Some of these fundamental considerations are already raising questions in the area of counter terrorist units and regional intelligence cells which I'll not rehearse here.

Suffice it to say that wherever activity transcends legal – organisational - fiscal - and departmental borders, governance is a factor - funding is a deal breaker - and consensus is elusive - but all are critical to long term strategic success.

Perhaps it's more helpful to regard the strategic objective in providing protection to the nation's energy supply as a more systemic - almost organic problem. Cast in this way the interdependencies and relative contributions can become clearer, connecting local policing activity to national – even international security arrangements.

This to me reveals the possible emergence of a new level of policing.

A recent Her Majesty's Inspectorate of Constabulary report entitled "*Closing the Gap*" focused the strategic spotlight on the notion of protective services and the extent to which these services could be delivered within existing arrangements.

However the ensuing debate has highlighted the *connectivity* between more localised policing and the much wider national - and supra-national - considerations affecting the UK as a whole.

For our purposes here the 'gaps' can be seen as the hiatus between the need for a particular policing service – usually in response to a distributed event or activity - and the ability of a particular autonomous police force to supply it.

Finding a realistic and proportionate solution that delivers a more sophisticated and coordinated response capability on the one hand - without undermining or destroying the foundations of policing governance in the process - is the strategic imperative facing us all.

HMIC's definition of protective services originally covered:

- Major crime (homicide)
- Serious, organised crime
- Counter terrorism and extremism
- Public order
- Critical incidents
- Roads policing
- Civil contingencies

(with a later addition of protecting vulnerable people).

I will resist the temptation to get into definitions here - suffice it to say that some of the identified protective services are very different from others.

An example is terrorism and roads policing - terrorism is a very specific type of criminal activity defined by the -intention and motivation of the suspects - and is undoubtedly one of many *causes* or sources of serious risk in policing terms.

Conversely, strategic roads policing arguably represents as much - the *setting* in which the consequences and response take place as a category of its own.

Civil contingencies is perhaps the key protective service to discuss here because it represents the extreme end of the spectrum along which all policing activity is delivered. It is also the area where issues around energy supply intersect with mainstream and specialist policing.

Unlike the concept of protective services the Civil Contingencies Act 2004 helpfully provides its own definitions and specific ambit.

Briefly the act imposes obligations on a range of organisations in the event of an 'emergency' - with emergency being generally defined as an event or situation in the United Kingdom which threatens serious damage to human welfare - or the environment - or war or terrorism, which threatens serious damage to the security of the UK.

This definition goes on to refine those events or situations which will qualify as emergencies for the purposes of the act.

These are necessarily wide and specifically include those events or situations which involve – cause - or may cause:

- Loss of human life
- Human illness, injury or homelessness - and the important one for today's debate
- **Disruption of a supply of money, food, water, energy or fuel**

At their most extreme, the challenges arising under civil contingencies culminate in what HMIC terms a "chaotic, distributed event" for which, HMIC Dennis O'Connor concluded - almost none of the forces assessed had planned, tested or practiced at the time of reporting.

This conclusion recognises that the notion of civil contingencies represents a point somewhere along the continuum of risk and disruption to community life - it also raises stark questions as to the capability of the police service as a whole to respond effectively to events occurring at - or beyond - that point.

As such this protective setting fuses with that broader area of service capability - the safeguarding of the critical national infrastructure.

Identifying and protecting our critical national infrastructure - or CNI - is high on the agenda of many public bodies and government agencies, along with a growing number of private sector suppliers as demonstrated by the recent Royal United Services Institute conference here in London.

The response capability necessary for security of supply of key services such as energy has a significant connectivity with those arising within the other protective services of policing.

A clear example of where and how security of energy supply manifests itself in a policing context - and of the longer term governance questions it raises - can be seen in the protection of the civil nuclear industry and that of the 'super-key economic points' (SKEP) around the UK.

The civil nuclear industry is policed by the Civil Nuclear Constabulary under the direction of a publicly accountable Civil Nuclear Police Authority - which I chair.

We work within the statutory arrangements put in place by the Energy Act 2004 - our policing service is funded entirely by the civil nuclear industry.

Clearly the strategic significance of nuclear energy has increased over the years and the protective arrangements provided by the constabulary going forward will be of continuing strategic significance within the framework for policing the UK.

Turning to other energy suppliers - the super key economic points have - until recently - been policed within the ordinary patrol arrangements of the home office forces within whose geographical area they are situated as part of the general 'protective services' arrangement I referred to earlier.

However, the twin requirements of securing supply to the UK - and providing protection to the industry - meant that emergency provisions were needed.

In 2007 the job of protecting these sites of super key economic importance and their energy- related assets was passed to the Ministry of Defence Police (MDP) - while a long term strategic solution is sought.

Along with my Chief Constable I have held recent meetings with the chairman and chief constable of the MDP which has led to agreement between us that a greater degree of collaborative working - on what are very similar policing problems would be mutually beneficial.

I hold the view that working together in terms of resource and risk management is a logical solution for both organisations.

We also work in collaboration with our home office local forces, the national security services – and with private industry partners both nationally and internationally.

The challenge of protecting our CNI involves coordinating a variable contribution from discrete, dispersed local sources of different size, capacity and cost - and focusing that output towards a larger system in order to meet the uneven - and at times - unpredictable demand on resources.

This sounds very much like the task facing the national grid - perhaps it requires a 'national grid' response from those organisations tasked with policing it? Whatever the answer to that strategic question, the provision of protective policing services and protection of the CNI reveal extensive interconnectivity.

Both are strategic applications of risk management with the main focus being - reducing the probability of the event occurring - and mitigating attendant loss, damage or injury.

Common to the management of risk in both contexts is a marked shift of emphasis from conventional to emerging risks.

The respective difficulties of managing such risks are well documented: in general terms - 'traditional' risks - are relatively well defined - well rehearsed - clearly labeled - identifiable - and to those extents are predictable.

Emerging risks on the other hand are - ill defined - often invisible - and largely unpredictable. Those differences make reliable estimation of their probability and impact difficult - and proportionate cost-effective contingency preparation even more so.

The increased number of variables in emerging risks adds to their complexity and building in - an 'all hazards' approach - means planning for every reasonable eventuality - from the perfect storm of environmental events - to the confected storm of calculated human attack.

Despite the many technical challenges, our communities – public and commercial – have a legitimate expectation of protection from the identified threats.

That these threats arise within a band of contingencies and responsibilities stretching from police station level to the Cabinet Office simply reinforces the need for collaboration and coordination.

Returning to the metaphor of the national grid:

If we know that a problem will burgeon and dwindle, any optimal solution will too.

That does not mean requiring all responder organisations to reach an identified critical mass in the way proposed by HMIC in the O'Connor report – in fact the specific contribution of 'special police forces' such as the Civil Nuclear Constabulary militates against this proposition.

But it probably does mean viewing both problem and solution holistically to ensure that the levels of connectivity (communication – technology - decision making – policy - risk management - resource allocation and governance) allow an approach that is both locally attuned - but truly integrated.

My view is that this will enable the necessary - surge and flex - in operational capability that is called for.

On one view retaining community and commercial confidence -which is *itself* a part of the critical national infrastructure - and safeguarding it - might even represent an emerging fourth level of policing - connecting neighbourhood security to national security.

Perhaps the emerging common threat is not the one presented by any immediate physical attack on people – communities - assets - systems or locations:

Perhaps the strategic risk here is the loss of civic confidence in the way that things are being done on our behalf and in our name.

If this is right, the strategic challenge will be to build in a network of collective resilience along the lines of the national grid – a complex network of service provision sufficient - not just to withstand a single crude attack - but rather an embedded capability to absorb and recover from a complex series of events which would otherwise overwhelm the nation's resources and reserves.

Whatever the lists of contingent hazards facing us in securing supply and supplying security - the wider threat is not just to life but also to livelihood - to lifestyle - and in the end to liberty.

All of which are as vulnerable to coercive law enforcement policies and practices as they are to anti-social conduct, crime and catastrophe.

From the point of view of community, commercial or civic confidence and support however - the key must surely be to secure our energy supply - and to supply the necessary security in a way that is reasonable - proportionate to the threat - and in a way that does not look - feel - or sound like the imposition of local martial law by a state under siege.

That ladies and gentlemen is the task facing policing - and the nation as a whole - at the present time.

We in the Civil Nuclear Police Authority, and our police force the Civil Nuclear Constabulary are working hard to provide solutions - because the only guarantee in this arena affecting the security of supply of future nuclear markets - is that the criminal minds orchestrating international terrorism are working just as hard to thwart our attempts to supply effective security.

We are all in this together – and by working together in supplying security we can ensure security of supply.

End.