



Ref: PHD 115/05

Subject:	London Authority Gold Resolution
Responsible Officer:	Chief Executive
Contact Officer:	John Robinson
Portfolio Holder:	Leader
Key Decision:	Yes
Urgent/Non Urgent:	Urgent
Power to be exercised:	Urgent - Portfolio Holders Responsibilities (Allocation of Responsibilities) – Paragraph 3 of Delegated Powers of Portfolio Holders, Appendix to the Executive Procedure Rules Part 4D of the Constitution
Status:	Part 1

Section 1: Summary

Decision Required

- 1.1 That the revised Local Authority “Gold” Resolution attached at Appendix C be approved.
- 1.2 To authorise the Chief Executive to make any such changes (as agreed by the ALG) that may be considered necessary to protect the Council’s position and that of the Chief Executive.

Reason for report

To inform members of the amendment to the “Gold” Resolution approved by Cabinet on 17 February 2004.

This proposed amended resolution broadens the powers of the “Gold” Chief Executive so as to enable him or her to act on behalf of all the London local authorities in responding to an emergency in London, not just an event classified by the Minister as a catastrophic incident.

Benefits

To ensure that satisfactory contingency arrangements are in place to deal with London emergencies which are emergencies requiring a Level 2, response even though such emergencies may not be classified as “catastrophic”.

Cost of Proposals

There are no immediate costs associated with this report. Likely costs to the Council may only be incurred in the event of an incident, which requires a Level 2 response.

Risks

The Council runs the risk of not benefiting from the co ordinate measures that are in place to deal with non-catastrophic Level 2 incidents.

Implications if recommendations rejected

Harrow community may not benefit from the co ordinate measures that are in place to deal with non-catastrophic Level 2 incidents.

Section 2: Report

2.1 Brief History

2.1.1 On 9th December 2003, the Association of London Government (ALG) Leaders’ Committee recommended that all 33 London Boroughs adopt a resolution on Local Authority Gold Command and Control in the event of a catastrophic incident.

- 2.1.2 The purpose of the resolution is to vest the “Gold” Chief Executive with the necessary powers to act on behalf of all London Boroughs in responding to a catastrophic incident, including the power to incur expenditure. The on-call Chief Executive would provide strategic input into the wider “Gold” group, chaired by the Metropolitan Police, and will manage the collective response to the catastrophic incident. The “Gold” group includes representatives of all emergency services, the health services and utilities.
- 2.1.3 Cabinet agreed the resolution attached at Appendix A on 17 February 2004. This resolution would only become operative where the Government has declared a catastrophic incident and when the Government has confirmed that it will reimburse any expenditure reasonably incurred in taking action.
- 2.1.4 Following the coming into force of the Civil Contingencies Act 2004 the ALG has reconsidered the previous gold resolution. The ALG now recommend that the resolution should be amended so as to broaden the powers of the Gold Chief Executive to enable them to deal with events, which are London emergencies (referred to as those emergencies requiring a “Level 2” response) even though such emergencies may not be classified as “catastrophic”.
- 2.1.5 The July bombings were not classified as catastrophic and as such may not have been covered by the previous resolution.
- 2.1.6 The new powers as set out in the amended resolution could be invoked once the Chief Executive had received confirmation from the government or the council(s) in whose area(s) the incident occurs that they will be reimbursed in relation to any expenditure they incur in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience.
- 2.1.7 The revised Resolution should be adopted as soon as is possible.
- 2.1.7 The report from the ALG and the letter from the ODPM are attached at Appendix B.

2.3 Consultation

None

2.4 Financial Implications

There are no immediate costs associated with this report.

However, in the event of a “catastrophic” incident expenditure may be incurred on receipt of confirmation from the government that such expenditure will be reimbursed. Similarly in relation to “non-catastrophic” incidents expenditure

could be incurred on receipt of confirmation from the Head of Paid Service in whose area the incident occurs that expenditure incurred to safeguard life or property or to prevent suffering or severe inconvenience will be reimbursed.

Signature Date

Name (print)

2.5 Legal Implications

Functions under section 138 of the Local Government Act 1972 are executive functions by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

The 1972 Act authorises the Council to incur expenditure in undertaking contingency planning to deal with a possible emergency, which if it occurred would involve destruction of or danger to life or property likely to affect its area.

In addition, under section 101 of the Local Government Act 1972 and regulations made under section 19 of the Local Government Act 2000, Local Authorities have the power to arrange with each other as to the discharge of their functions. When this occurs one authority can discharge another's function and subject to the terms of the arrangements which should explain who is responsible for the expenditure incurred, the authority at Gold would need no further approval.

Signature Date

Name (print)

2.6 Equalities Impact

No equalities impact arising from the recommendation. However, it is possible that implications may arise depending on the cause of an incident.

2.7 Section 17 Crime and Disorder Act 1998 Considerations

There are no direct implications arising from the recommendations. However, section 17 considerations and implications may arising in the aftermath of an incident.

Section 3: Supporting Information/ Background Documents

Appendices: Appendix A Resolution agreed on 17 February 2004.
Appendix B Report from ALG and letter from ODPM
Appendix C Revised Resolution

Background Documents: ALG Chief Executive' Circular (66/03 – 19 December 2003)

Signature:

Position *Insert Relevant Head of Service*

Name (print)
.....

Date:

FOR PORTFOLIO HOLDER/LEADER

* I do agree to the decision proposed

* I do not agree to the decision proposed

* Please delete as appropriate

Notification of personal interests (if any) :-

(Note: if you have a prejudicial interest you should not take this decision)

Additional comments made by and/or options considered by the Portfolio Holder

Signature:

Portfolio Holder

Date: