

REPORT FOR: CABINET

Date of Meeting: 14 September 2010

Subject: Emergency Planning

Key Decision: Yes – Approval of the Clarifications to the Gold Resolution and Arrangements for Mutual Aid

Responsible Officer: Myfanwy Barrett, Corporate Director Finance

Portfolio Holder: Councillor Graham Henson, Portfolio Holder for Performance, Customer Services and Corporate Services

Exempt: No

Decision subject to Call-in: Yes

Enclosures: Appendix A- London Councils, Leaders Committee, Proposed Clarifications to the Gold Resolution and Arrangements for Mutual Aid, 13 July 2010
Appendix B- Addendum to the Local Authority 'Gold' Resolution to be agreed on behalf of each London Borough Council and the Common Council of the City of London
Appendix C- London Local Authorities, Mutual Aid – Memorandum of Understanding
Appendix D- London Councils, Chief Executives' Circular, 15 July 2010

Section 1 – Summary and Recommendations

Summary:

London Councils Leaders' Committee is calling on all London boroughs and the Common Council of the City of London to:

1. Formally approve an Addendum to the Local Authority 'Gold' Resolution;
2. Consider participating in common Mutual aid arrangements by adopting a Memorandum on Mutual Aid.

These documents have been developed to clarify and improve the pan London resilience arrangements. This work has been led by the London Resilience Local Authority Panel, chaired by Chris Duffield.

It will be necessary for all 33 authorities to formally agree and accept the Addendum before it can take effect.

Recommendations: That Cabinet recommend to the Council that it:

- (i) Approve the Addendum to the Local Authority 'Gold' Resolution;
- (ii) Adopt the Memorandum on Mutual Aid as part of the Council's constitution.

Reason: (For recommendation)

Following practical experience in exercises and recent serious incidents, the Gold Resolution has been reviewed and additions identified which will ensure it is fit for purpose in the future.

Section 2 – Report

Introduction

1. As part of the arrangements for dealing with major incidents or emergencies in the capital, all London Boroughs and the City Corporation adopted a resolution, known as the 'Gold Resolution', that delegates certain powers (see below for further detail) to the Gold Chief Executive so that he or she can act on behalf of all boroughs and the City to deliver a coordinated local government response in emergency situations. The role of Gold Chief Executive (known as London Local Authority Gold) is undertaken by Heads of Paid Service on a rotational basis. A copy of the Gold Resolution is attached to this report at Appendix A for information.

2. Under the resolution, London Local Authority Gold can act formally only where the Gold Co-ordinating Group (Gold Command) has been convened to respond to an incident requiring what was known as a 'level 2' response. Gold Command is normally led by the Police. The powers delegated to Local Authority Gold extend to incurring expenditure or making grants or loans but only if certain conditions are met such as confirmation that the expenditure will be reimbursed by HM Government or by the Council(s) in whose area(s) the incident has occurred. Further brief details about Government funding are set out for information in Appendix A, paragraphs 21-22.

3. The Gold Resolution was last reviewed and revised in 2006 and this paper sets out proposals to update and clarify the current arrangements in the light of experience over the last 3 - 4 years and changed circumstances.

Background

4. The heavy snowfall covering Greater London in February 2009 was an extreme and exceptional weather event. Such accumulations of snow had not been seen in the capital for a number of years and, across London, organisations faced considerable challenges in keeping their services running. Gold Command was not convened on that occasion (the incident was not deemed to be an emergency requiring a 'blue-light' response), but the Head of Paid Service on the 'Gold' rota was, nevertheless, active during the period, albeit informally, since there was a clear need for a local government response to be co-ordinated across the Boroughs.

5. The London Regional Resilience Forum (LRRF) agreed that it would be useful to look at what happened at that time, to identify lessons learnt and to make recommendations for the future. An interim report was produced at the end of February and this was followed by a more detailed document which was considered in May 2009. One of the findings of that review was that, as a consequence of the incident falling below the threshold for implementation of Gold Command, Local Authority Gold was operating 'without empowerment' ie. it had not been formally invoked under the Gold Resolution. It was agreed that a review of the Local Authority Gold Resolution should be undertaken to ensure arrangements for responses outside empowerment are included.

6. A review of the position has therefore been carried out and a number of amendments are proposed to the resolution in the following four key areas:-

- to reflect changes in procedural arrangements (currently Local Authority Gold can only respond to an incident requiring a 'level 2' response but the national terminology has changed and this is no longer relevant);
- to formalise existing arrangements whereby Local Authority Gold is expected to play a part in 'rising-tide' incidents, (for example severe weather and pandemic influenza) albeit without any formal authority. In these circumstances, Local Authority Gold's role should be confined to coordinating any local authority response as necessary, through guidance and advice;
- to agree an arrangement under which Local Authority Gold could be authorised, in exceptional circumstances, to exercise delegated powers in response to incidents where the ('blue-light' led) Gold Command has not been convened, subject to appropriate checks and balances; and
- to allow Local Authority Gold a limited amount of discretion to incur minimum expenditure on behalf of councils where prior consent may not be rapidly

obtainable (for example, the need for an immediate response to a major incident that has occurred in the early hours of a Sunday or on a bank holiday).

Why a change is needed

7. Set out below is further detail behind the need to update and amend the existing arrangements and attached at Appendix B is a proposed Addendum to the current Gold Resolution that all Boroughs and the Common Council of the City of London will be invited to pass.

Major Incidents and Emergencies

8. In the event of an emergency, Section 138(1) of the Local Government Act 1972 allows Councils to “incur such expenditure as they consider necessary in taking action.....to avert, alleviate or eradicate.....the effects or the potential effects of the event”. The current gold resolution authorises Local Authority Gold to discharge functions under section 138(1) on behalf of the Councils following the convening of the Strategic Co-ordinating Group (Gold Command) called to respond to an incident requiring a “Level 2” response (defined as a single site or wide-area disruptive challenge which required a co-ordinated response by relevant agencies). This is the trigger mechanism for Local Authority Gold to be able to exercise their ‘executive’ powers.

9. Since the resolution was passed, the terminology used by Government has changed, with a “Level 2” response being no longer relevant. A more straightforward trigger mechanism is therefore now proposed but still linked to the convening of Gold Command. Gold Command is usually led by the Police and is only convened in the event of a significant incident or emergency; it is therefore proposed that, in future, Local Authority Gold will be able to discharge the functions referred to in paragraph 8 above following the convening of the Gold Command.

Responding to Rising-Tide Incidents and other Disruptive Events

10. In principle, there are two types of events that would require a local authority response, namely, major incidents or emergencies and incidents that are emerging or have emerged over a period of time. Arrangements for a coordinated local government response to major incidents or emergencies, such as the bombings in London in July 2005, where the Police and other emergency services are in command, are provided for within the existing resolution and Local Authority Gold is able to exercise his or her powers of delegation.

11. Over the last year or so, we have seen the impact of another kind of incident which, rather than having an immediate effect requiring a ‘blue-light’ response, has emerged over a period of time and can be termed as ‘rising-tide’ or disruptive. Examples include the extreme weather conditions that we saw in February 2009, the gradual emergence of the swine flu pandemic that was also a feature of much of 2009 and the prolonged severe weather of December 2009 to February 2010. A coordinated response on the part local authorities to these types of incidents is also necessary and Local Authority Gold played a key part and contributed significantly to the way in which the events referred to above were dealt with and the role was well received by Government and other resilience partners. In these circumstances, however, Local Authority Gold operated outside the terms of the resolution in an ‘informal capacity’.

12. Informal arrangements and understandings currently exist between London local authorities for mutual aid. These arrangements are robust and well tested and they are frequently called upon by boroughs for the provision of staff and other resources. They supported the running of the temporary mortuary in the aftermath of London's 7/7 bombings and in the provision of assistance to local authorities outside London during the 2007 floods. During the severe weather of February 2009, 13 local authorities reported calling upon or offering mutual aid during the first four days of the incident.

13. The LRRF's debrief report in May 2009 (referred to in paragraph 5 above) also considered the arrangements in place for mutual aid. As part of that process, the LRRF's Local Authority Panel concluded that those arrangements should be placed on a more formal footing and, as a consequence, a Memorandum of Understanding for mutual aid has been drafted for adoption by those London Local Authorities wishing to participate. It is not intended for the Memorandum to be a legally-binding contract, but rather an accepted set of guidelines for providing mutual aid between participating boroughs. A copy is attached at Appendix C.

Options considered

The proposed improvements can be accommodated in an Addendum to the existing Resolution, set out in Appendix B.

The substance of the proposed changes can be summarised as:

1. To formalise the role of Local Authority Gold in lower-impact, emerging incidents (such as influenza pandemic), enabling them to coordinate any local authority response as necessary. (*LA Gold would not have power to either direct Councils or incur any expenditure*).
2. To update the trigger for empowering Local Authority Gold, including provision for LA Gold to respond to incidents and exercise delegated powers where Gold Command has not been convened, for example in the event of extreme and disruptive weather. This could only happen where detailed safeguards are complied with and where absolutely necessary.
3. In extreme and rapidly developing situations Local Authority Gold may need to take immediate action. It is proposed that, where this is absolutely essential, they should be able to exercise their delegated powers swiftly, including incurring minimum levels of expenditure up to a sum not exceeding £1m in total.

A separate Memorandum of Understanding on Mutual Aid has also been developed for adoption by those London Local Authorities wishing to participate. It is not intended for the Memorandum to be a legally-binding contract, but rather an accepted set of guidelines for providing mutual aid between participating boroughs. A copy of the Memorandum is attached at Appendix C.

London Councils Leaders Committee endorsed the LA Gold Addendum and the Memorandum at its meeting on 13 July 2010. A copy of the committee report, which provides further background information, is attached as Appendix A.

Leaders' Committee went on to call on all London boroughs and the Common Council of the City of London to:

1. Formally approve an Addendum to the Local Authority 'Gold' Resolution;
2. Consider participating in common Mutual aid arrangements by adopting a Memorandum on Mutual Aid.

Financial Implications

No financial implications are associated with this report.

Performance Issues

There are no performance issues associated with this report.

Environmental Impact

There are no environmental implications associated with this report.

Risk Management Implications

There are no risks to the Council in approving the Clarification to the Gold Resolution and Arrangements for Mutual Aid. Should the recommendation not be accepted, there is a risk that the Council will not meet its obligations under the London Gold arrangements or best practice across London.

Equalities implications

The Clarification to the Gold Resolution and the Arrangements for Mutual Aid reflects a consistent approach to all London Communities to ensure the safety and welfare of everyone.

Corporate Priorities

This report supports the Council's Corporate Priority to Build Stronger Communities by ensuring we are meeting our obligations under the London Gold arrangements.

Section 3 - Statutory Officer Clearance

Name: Myfanwy Barrett	<input checked="" type="checkbox"/>	Chief Financial Officer
Date: 9 Aug 2010		
Name: George Curran	<input checked="" type="checkbox"/>	On behalf of the Monitoring Officer
Date: 10 Aug 2010		

Section 4 – Performance Officer Clearance

Name: Alex Dewsapp

Divisional Director
(Partnership
Development &
Performance)

Date: 10 Aug 2010

Section 5 – Environmental Impact Officer Clearance

Name: John Edwards

Divisional Director
(Environmental
Services)

Date: 11 Aug 2010

Section 6 - Contact Details and Background Papers

Contact:

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Background Papers:

Appendix A- London Councils, Leaders Committee, Proposed Clarifications to the Gold Resolution and Arrangements for Mutual Aid, 13 July 2010

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**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE