

PAN-LONDON EMERGENCY ARRANGEMENTS - AMENDMENT TO THE GOLD RESOLUTION AND PROCEDURES FOR MUTUAL AID

Cabinet Members	Councillor Ray Puddifoot Councillor Douglas Mills
Cabinet Portfolios	Leader of the Council Cabinet Member for Improvement, Partnerships and Community Safety (lead for civil protection)
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Papers with report	Appendix A – Existing Gold Resolution and Addendum Appendix B – Memorandum of Understanding for Mutual Aid

HEADLINE INFORMATION

Purpose of report / Summary	<p>The London Local Authority 'Gold' Resolution vests a local authority Chief Executive, in an emergency or major incident, with the necessary powers to act on behalf of all the London local authorities.</p> <p>The Gold Resolution was last reviewed and revised in 2006. Following endorsement by London Councils Leaders' Committee, this paper sets out proposals to update the Gold Resolution following recent circumstances.</p> <p>Cabinet is also asked to agree a Memorandum of Understanding for Mutual Aid with other London boroughs. Finally, the report updates Cabinet on civil protection arrangements for the 2012 Olympic Games.</p>
Contribution to our plans and strategies	Strengthening the Borough's civil protection arrangements.
Financial Cost	<p>None directly.</p> <p>Any cost incurred under the Gold Resolution would be dependent upon the nature of the emergency or situation affecting the London Borough of Hillingdon, wholly or in part.</p>
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	All

RECOMMENDATIONS

That the Cabinet, on behalf of the London Borough of Hillingdon:

- 1) Adopt the Addendum to the Gold Resolution in Appendix A**
 - 2) Agree the Memorandum of Understanding for Mutual Aid in Appendix B**
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REASONS FOR OFFICER RECOMMENDATIONS

Adoption of the amended Gold Resolution and Memorandum of Understanding for Mutual Aid will establish on a London-wide basis a clear, updated and consistent framework for London boroughs to use when responding to potentially pan-London emergency situations.

OPTIONS AVAILABLE

The critical decision is the Addendum to the Gold Resolution. In the event Hillingdon's Cabinet were to not adopt the Addendum, in a pan-London emergency it could frustrate London local authority efforts to work effectively together (only if all other London boroughs had passed the Addendum bar Hillingdon).

INFORMATION

Background

1. On their own, London boroughs play an important part in civil protection arrangements. They maintain emergency plans for various scenarios, carry out appropriate training, undertake incident simulations and assist the Police and others in dealing with emergencies.
 2. Following the catastrophic events of September 11 2001 in the United States of America, the 7 July 2005 London Bombings, command arrangements and preparedness for incidents across London borough boundaries were actively pursued and improved by London Councils, London Fire and Emergency Planning Authority and the Metropolitan Police.
 3. The National Command Structure for major emergencies and incidents consists of three layers (depending whether the decisions required concern operational, tactical or strategic level matters). These layers are known as 'Bronze', 'Silver' and 'Gold' Commands, respectively. In a response to a major incident in London, the 'Gold' Command, which would include top-level representation from the London local authorities and 'blue light' services, would make pan-London policy decisions.
 4. On 9 December 2003 the Association of London Government (now London Councils), recommended that all London boroughs adopt a resolution on the London Local Authority Gold Command and Control structure in the event of a catastrophic incident in the Greater London area.
 5. A 'Gold' Resolution was therefore designed and agreed which underpinned existing arrangements to ensure that the emergency plans and procedures of London public
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services and organisations fitted together effectively and stood up to different scales and types of potential threat.

6. Along with all other London Boroughs and the City of London Council, Hillingdon's Cabinet passed this first 'Gold' Resolution in May 2004 and passed a revised resolution on the 20th April 2006.

What is the Gold Resolution and Local Authority Gold?

7. The Gold Resolution delegates certain powers to a Local Authority Gold Chief Executive so that he or she can act on behalf of all boroughs and the City of London to deliver a coordinated local government response in emergency situations across the Capital. The role of Gold Chief Executive (known as London Local Authority Gold) is undertaken by Local Authority Chief Executives on a rotational basis. Hillingdon's Chief Executive, along with his counterparts across London, is part of the rota system, spending time on-call and also in reserve each year to act on behalf of all councils.
8. Under the current resolution, a 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. This is the trigger mechanism for Local Authority Gold to be able to exercise their 'executive' powers. 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.
9. Since the resolution was passed, the terminology used by the 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. As Gold Command is usually led by the Police and is only convened in the event of a significant incident or emergency; it is therefore now proposed that, in future, Local Authority Gold will be able to discharge his/her executive powers whenever Gold Command is convened.

Why amend the Gold Resolution?

10. The following section of this report sets out proposals approved by London Councils Leaders' Committee on 13th July 2010 to update and clarify the current arrangements in the light of experience over the last 3 - 4 years and changed circumstances. The substance of the proposed changes can be summarised in 3 parts as put to London Leaders:

A: To formalise the role of Local Authority Gold in lower-impact, emerging incidents (such as influenza pandemic) where there is no Gold Command, enabling them to coordinate any local authority response as necessary

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 recent extreme Winter weather conditions and the gradual emergence of the swine flu pandemic. A coordinated response on the part of 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. In these circumstances, however, Local Authority Gold operated outside the terms of the existing Gold Resolution in an 'informal capacity'.

12. For example in the recent severe weather conditions, the London Local Authority Co-ordination Centre (LLACC) which supports the Local Authority Gold performed a number of critical tasks. These tasks included the co-ordination of 83 mutual aid transactions, resulting in the transfer of 5,300 tonnes of salt, and the process and dissemination of 912 priority gritting requests to local authorities. Additionally it maintained regional situational awareness regarding the impact on council services and collated London borough grit stock levels and projections, to inform the regional and national re-supply process.
13. It is therefore proposed that the resolution should be amended to 'formalise' the role of Local Authority Gold enabling them to coordinate any local authority response as necessary, providing support, guidance and advice as required - although they would have no power to direct Councils nor incur any expenditure.

B: Responding to major emergencies where there is no Gold Command, but for the Local Authority Gold to exercise their executive powers, for example in the event of extreme and disruptive weather, only where detailed safeguards are complied with.

14. There may be exceptional circumstances where it could become appropriate for Local Authority Gold to be able to respond to more major and disruptive incidents and thereby exercise their executive powers where Gold Command has still not been convened, for example in the event of extreme and disruptive weather or other events. The point in such 'rising-tide' events at which the full Local Authority Gold arrangements may need to be implemented will not be clear at the outset. Nor would it necessarily be triggered by the convening of a police-led Gold Command.
15. To cover this eventuality and any unforeseen events, a process has been developed which permits the full Gold executive powers to be triggered in the absence of a police-led Gold Command being established, but only where certain procedures are complied with to give London boroughs comfort that any use of the executive powers by Local Authority Gold will only be operated in exceptional circumstances and where absolutely necessary. These procedures include the convening of a London Partnership Meeting and prior agreement of London Councils and its main political party leaders.

C: Use of executive powers to incur expenditure on behalf of Councils in emergencies

16. Whatever the circumstances under which the executive powers are triggered, Local Authority Gold will, as at present, still seek to obtain confirmation from individual Council(s) in whose area(s) the incident has occurred that expenditure reasonably incurred by them in taking immediate action will be met by the Council (or Councils in proportions to be agreed by them).
17. There may, however, be a situation where rapidly obtaining this confirmation is simply not possible, for example if an incident happens in the early hours of a Sunday or a bank holiday and Local Authority Gold is unable to make contact with all relevant Council(s). Local Authority Gold may still need to take the immediate action. It is therefore proposed that, where this is absolutely essential, they should be able to exercise their executive powers, including incurring minimum levels of expenditure up

to sum not exceeding £1m in total, while the process is taking place to secure the necessary confirmation.

How will the amended Gold Resolution be agreed?

18. It will be necessary for all London boroughs and the City of London to formally agree and accept the Addendum, since its terms will not take effect until this has happened. In future, and subject to that agreement, the Addendum will need to be read in conjunction with the current Resolution.
19. The current resolution and new addendum is attached in Appendix A for Cabinet's adoption.

Agreeing a Memorandum of Understanding for Mutual Aid

20. Informal arrangements and understandings currently exist between London boroughs 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 July 2005 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. However, some ambiguity exists in the areas of finance, insurance, and health and safety liability/responsibility.
21. Following such events, it is proposed that such arrangements 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.
22. 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.
23. The Memorandum of Understanding is attached in Appendix B for Cabinet's approval.

Update on the 2012 Olympic Games

24. Members may be interested in the arrangements local authorities may have to play in the lead up to and during the London 2012 Olympic and Paralympic Games
25. As put to London Councils Leaders' Committee, a national and London level control and coordination function will be required. Resilience and security arrangements during the Games are currently being developed and a number of mechanisms will come into play in the event of an incident. Local Authority Gold will be expected to play a key part in those plans and the arrangements proposed in the Addendum, will help to formalise the position. Current thinking includes maintaining operations during what is described as a 'steady state' and there is likely to be a borough chief executive or other senior local government representatives active in that process. There could also be a demand for further local government participation in other Olympic security arrangements in the Capital such as COBR and nationally in what is known as the National Operations Centre. The final details for London's local government are being considered and will be agreed with London Councils in due course.

Financial Implications

There are no direct or accurately foreseeable financial implications arising from the recommendation for obvious reasons. However, in emergency scenarios, there may be a number of costs falling upon the Council. The exposure is limited in the fact the scheme only gives authority for the Gold Chief Executive to incur expenditure in approved instances. The Government operates a general scheme to reimburse local authorities for certain types of emergency related expenditure, mainly of a non-insurable nature.

CORPORATE CONSULTATIONS CARRIED OUT

Civil Protection Service

The Civil Protection Service supports the recommendations and is able to incorporate any amendments to emergency arrangements and mutual aid procedures into the Council's own corporate emergency plan.

Corporate Finance

The report proposes the approval of emergency powers that would, in certain circumstances, allow the Chief Executive of another London Borough to authorise emergency expenditure on behalf of the Council. This power could only be exercised after either the Council has agreed that to incur the expenditure was reasonable, or if the Government indicated that the expenditure would be eligible for Government funding.

The form of Government reimbursement of expenditure in the event of an incident or emergency is through the Bellwin Scheme of Emergency Financial Assistance to Local Authorities. Any claim under this scheme would not be reimbursed in full, whether the expenditure is authorised by a Gold Chief Executive or directly by the Council. In addition, the Bellwin Scheme is primarily designed for emergencies resulting from bad weather. There is no entitlement to financial assistance and it would be at the discretion of Government Ministers to determine whether any other incidents would qualify for claims under the Scheme.

The Bellwin Scheme has been activated over 40 times since it started in 1983, most recently in response to flooding in Cumbria in November 2009. Bellwin was not activated for the 2005 London bombings although financial support was made available as a special grant.

Therefore, expenditure authorised under powers delegated to a Gold Chief Executive would not be fully recoverable, and would result in costs falling on Council Tax payers - the amount dependent upon the scale of the incident and the nature of the required response.

Legal

The proposed arrangements set out in this report are all authorised under the provisions of the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005. Thus there are no legal impediments to the proposals being adopted by the Council.

BACKGROUND DOCUMENTS

Cabinet reports – 27th May 2004 and 20th April 2006
London Councils Leaders' Committee Report – 13th July 2010
London Councils Chief Executive's Circular – 15th July 2010

*EXISTING LOCAL AUTHORITY 'GOLD' RESOLUTION
(as revised 20th April 2006 by the London Borough of Hillingdon)*

Resolution passed on behalf of each London Borough Council and the Common Council of the City of London ("the Councils")

1. This resolution is made in accordance with section 138 Local Government Act 1972, section 101 Local Government Act 1972, section 19 Local Government Act 2000, Regulations 7 and 10 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all other enabling powers. The resolution has regard to "Emergency Response and Recovery" the non-statutory Guidance issued pursuant to the Civil Contingencies Act 2004.
2. As from the date of this resolution the Council's functions under section 138(1) Local Government Act 1972 (Powers of principal councils with respect to emergencies or disasters) are delegated to the Council which has appointed the Head of Paid Service as defined in paragraph 3 below in the circumstances set out in paragraphs 4-7 below.
3. The Head of Paid Service is the person appointed by one of the Councils under section 4 Local Government and Housing Act 1989 who, following the convening of the Strategic Co-ordinating Group ("Gold Command") to respond to an incident requiring a "Level 2" response (as defined in paragraph 4 below) has agreed to discharge the functions under section 138(1) Local Government Act 1972 ("the functions") on behalf of the Councils.
4. An emergency requiring a Level 2 response is a single site or wide-area disruptive challenge, which requires a co-ordinated response by relevant agencies.
5. The functions hereby delegated shall not be exercised until all the Councils have made resolutions delegating the functions.
6. The powers hereby delegated to the Council which has appointed the Head of Paid Service shall not include any power to incur expenditure or to make grants or loans to any person unless either:
 - The Head of Paid Service has received confirmation from the Minister that expenditure reasonably incurred by the Head of Paid Service in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience will be reimbursed by HM Government; or
 - The Head of Paid Service has received confirmation on behalf of the Council(s) in whose area(s) the incident has occurred that expenditure reasonably incurred by the Head of Paid Service in taking immediate action to safeguard life or property, to prevent suffering or severe inconvenience and to promote community cohesion and a return to normality, will be met by the Council (or the Councils in proportions to be agreed by them).
7. In the event the Minister has confirmed that expenditure will be reimbursed by HM Government, the Head of Paid Service shall, insofar as reasonably practicable, consult with and inform the Council(s) in whose area(s) the incident has occurred regarding any action proposed to be taken

ADDENDUM TO THE GOLD RESOLUTION (to be passed)

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 (“the Councils”)

1. The purpose of this addendum is to clarify and amend the Local Authority “Gold” Resolution that has been entered into by the Councils to a) reflect changed procedural arrangements for responding to incidents b) permit the Head of Paid Service (Local Authority Gold) as defined in paragraph 3 of the Local Authority Gold Resolution to incur minimum essential expenditure where it has not been possible to secure the prior agreement of the Councils affected and c) agree that, in other circumstances known as rising tide or disruptive events, Local Authority Gold should be able to coordinate the local authority effort, including providing advice and guidance, as necessary, to help shape the responses of individual authorities.

2. The Local Authority “Gold” Resolution will, in future, operate in accordance with the following arrangements:

Coordination of the Local Authority Effort

3. Where an incident, emergency or other event emerges or has emerged over a period of time (such as pandemic influenza or extreme weather), and where the convening of the Gold Coordination Group (Gold Command) may not have occurred, Local Authority Gold will be empowered, on behalf of the Council(s) to coordinate any local authority response as necessary, providing advice and guidance as required. In these circumstances, Local Authority Gold will not have any power to incur expenditure unless authorised under paragraph 4 b) below.

Delegation of Powers

4. Local Authority Gold shall, in discharging the functions under section 138(1) Local Government Act 1972 on behalf of the Councils, do so only in the following circumstances:

a) following the convening of the Gold Coordination Group normally led by the Police in response to the declaration of a major incident (Gold Command);

or

b) for other disruptive events such as extreme weather that do not require the immediate establishment of Gold Command, following the convening of a London Partnership Meeting (normally led by the London Resilience Team), provided that the agreement of London Councils under delegated powers is also secured for Local Authority Gold to discharge the functions under section 138(1) Local Government Act 1972 on behalf of the Councils.

Minimum Essential Expenditure

5. In the event that it has not yet been possible for Local Authority Gold to receive confirmation from or on behalf of the Council(s) in whose area(s) the incident has occurred (in accordance with paragraph 6 of the Local Authority Gold Resolution) that expenditure reasonably incurred will be met by the Council(s) and where it is absolutely essential for

Local Authority Gold to incur expenditure, for example to safeguard life or property, to prevent suffering or severe inconvenience and to promote community cohesion and a return to normality, it is agreed that the Council(s) in whose area(s) the emergency has occurred will meet that expenditure on the basis that it will be kept to minimum levels and limited to a sum not exceeding £1m in total, while the process is taking place to secure the necessary confirmation.

Agreement of all the Councils

6. The amendments to the Local Authority 'Gold' Resolution contained in this Addendum shall not take effect until this Addendum has been agreed and accepted by all the Councils.