

General Purposes Committee

on 2 March 2006

Report Title: Co-ordinating Response to Emergencies in London**Joint Report of: The Assistant Chief Executive Strategy and the Head of Legal Services and Monitoring Officer****Wards affected: All****Report for: Recommendation to Council****1. Purpose**

- 1.1 To amend the Council's Constitution so as to provide for the delegation of powers to a "Gold" Chief Executive acting London-wide in the event of a major emergency less serious than a "catastrophic incident."

2. Recommendations

- 2.1 That Members recommend to full Council the extension of ALG arrangements for co-ordinating the response to emergencies, set out in Appendix 2 to this report, to have effect as amendments to Part J.I of the Council's Constitution.
- 2.2 That Members of this Committee note the revised "LA Gold" resolution, set out at Appendix 1 to this report, which must be agreed by The Executive and full Council as a pre-condition to the amendments to the Constitution recommended in paragraph 2.1 above.

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3.1 Executive Summary and Reasons for Change

The Association of London Government (ALG) has asked all London Councils to pass a revised "LA Gold" resolution. The resolution passed by all London Councils in 2004 made joint arrangements for delegations to, and co-ordination by, a "Gold" Chief Executive acting London-wide in the event of a "catastrophic incident". Experience from the July 2005 bombings suggests that the "Gold" co-ordination arrangements need to be extended to responses to emergencies less drastic than a "catastrophic incident". The revised LA Gold resolution, at Appendix 1 to this report, is being recommended to The Executive on 14 March and full Council on 20 March. This report recommends changes to Part J.1 of the Council's Constitution which would follow from the passing of this resolution.

4. Access to information:

Local Government (Access to Information) Act 1985

The following background papers were used in the preparation of this report and can be inspected at the Alexandra House, 10 Station Road, Wood Green, London N22 7TR by contacting Terence Mitchison on 020 8489 5936:

- (i) The Council's Constitution
- (ii) Legal Service file on this matter.

5. Background

- 5.1 Towards the end of 2003, the Association of London Government (ALG) asked all London Councils to pass the first "LA Gold" resolution. This delegated each Council's emergency powers, under section 138 Local Government Act 1972, to a "Gold" Chief Executive, that is, one of several of the serving London Chief Executives trained and ready to take on this role. The Gold Chief Executive had powers to co-ordinate a response on a London-wide basis to a "catastrophic incident" declared by Central Government. Haringey passed this first resolution in January 2004.
- 5.2 The emergency powers under section 138 enable a Council to incur expenditure in response to an imminent or actual emergency/disaster involving danger to life or property and likely to affect the whole or part of a Council's area.
- 5.3 Under the first resolution and arrangements, the Gold Chief Executive can only incur expenditure if Central Government has confirmed that it will reimburse any exceptional expenditure reasonably incurred in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience.

6. Proposals

- 6.1 The ALG has recently asked all London Councils to pass a revised LA Gold resolution the text of which is attached as Appendix 1 to this report. There are two main reasons for this new development:
 - (i) the impact of the Civil Contingencies Act 2004, and

- (ii) the lessons of the July 2005 bombings which illustrate the need for the Boroughs to work together when an event is serious but insufficiently drastic in its effect to warrant being declared “catastrophic”.
- 6.2 The Civil Contingencies Act 2004 confers no new powers on local authorities but it does confer an Order-making power on Ministers which has yet to be exercised. This would involve special legal powers needed for the most serious or catastrophic events.
- 6.3 Under the 2004 Act, the Government has issued non-statutory guidance entitled “Emergency Response and Recovery”. The Guidance obliges Regional Civil Contingencies Committees (RCCCs) to organise multi-agency planning and strategic management.. RCCC meetings re set at three levels of response:
 - (i) Level 1: convened when prior warning of an emergency is available, or
 - (ii) Level 2: a single site or wide area disruptive challenge needing a co-ordinated response by various agencies, or
 - (iii) Level 3: the most serious, which would involve a Central Government declaration that special legislative Orders were to be made under the 2004 Act.
- 6.4 In London, unlike other regions in England, the RCCC is likely to be referred to as a Strategic Co-ordinating Group (SCG) particularly for immediate impact, police-led emergencies.
- 6.5 The revised LA Gold resolution would take effect in the event of an emergency requiring a level 2 response. This could be an event broadly equivalent in its impact to the July 2005 bombings, or worse, but less drastic than a “catastrophic incident” meriting a level 3 response. The revised resolution must be passed by all the London Councils before it could come into operation.
- 6.6 The power of the Gold Chief Executive to incur expenditure would only come into effect if the Gold Chief Executive had received prior confirmation from:
 - (i) the Minister of State for Resilience that central Government would reimburse expenditure reasonably incurred by the Gold Chief Executive to safeguard life or property or to prevent suffering or severe inconvenience
 - (ii) the Council(s) in whose area the emergency had occurred that the Council(s) would reimburse expenditure incurred for the purposes in (i) above.
- 6.7 There will be a separate report to the Executive on 14 March and full Council on 20 March recommending the passing of the revised LA Gold resolution. The agreement of The Executive and full Council is a pre-condition to the amendments to Haringey’s Constitution proposed below.
- 6.8 This report is inviting the approval of this Committee to consequential amendments to Part J.1 of the Council’s Constitution relating to “Joint Arrangements”. These are set out in Appendix 2 to this report. The Committee is asked to recommend them to full Council on 20 March.
- 6.9 Paragraph 17.07 of part J.1 deals with the ALG arrangements for co-coordinating response to a “catastrophic incident”. This needs to be amended to take into

account the extension of these arrangements to circumstances where there is only an emergency requiring a level 2 response. The paragraph still reflects the arrangements put in place by the first LA Gold resolution. There are some minor amendments to make the sense of this paragraph clearer.

7. Recommendations

- 7.1 That Members recommend to full Council the extension of ALG arrangements for co-ordinating the response to emergencies, set out in Appendix 2 to this report, to have effect as amendments to Part J.1 of the Council's Constitution.
- 7.2 That Members of this Committee note the revised "LA Gold" resolution, set out at Appendix 1 to this report, which must be agreed by The Executive and full Council as a pre-condition to the amendments to the Constitution recommended in paragraph 2.1 above.

8. Equalities Considerations

- 8.1 There are no specific equalities implications.

9. Financial Implications

- 9.1 These are explained in the report.

10. Comments of the Head of Legal Services

- 10.1 The main legal implications are set out in the body of the report. The functions under section 138 of the Local Government Act 1972 are "executive" and, therefore, the agreement of The Executive is required to the resolution. The Council can confirm the resolution and adopt the consequential amendments to the Constitution.

11. Use of Appendices

- 11.1 Appendix 1 is the revised LA Gold resolution
- 11.2 Appendix 2 sets out the recommended amendments to Part J.1 of the Constitution