

APPENDIX 4

[The text shown struck through is for deletion and the text shown underlined and in italics is for addition or insertion.]

HARINGEY COUNCIL CONSTITUTION

PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 11 – JOINT ARRANGEMENTS

11.07 London Councils Arrangements for Co-ordinating Response to Emergencies

(a) The Council and Cabinet have resolved to delegate their powers under section 138 of the Local Government Act 1972 (power to incur expenditure to avert or alleviate the effects of an emergency or disaster) to an outside Chief Executive appointed to co-ordinate the response of London local authorities to a catastrophic major incident or a lesser emergency. This “L.A. Gold” Chief Executive will be appointed under arrangements approved by Central Government, London Councils and the London Resilience Team Forum. ~~The Gold Chief Executive will have power to incur expenditure needed in connection with a catastrophic incident or, subject to paragraph (c) below, an emergency.~~

(b) Where an incident, emergency or other event emerges over a period of time (such as a pandemic or extreme weather), and where the Gold Co-ordination Group (“Gold Command”) may not have been convened, L.A. Gold will be empowered on behalf of the London local authorities to co-ordinate any local authority response as necessary, providing advice and guidance as required. In these circumstances L.A. Gold will not have power to incur expenditure or to exercise delegated powers unless authorised under paragraphs (c)(ii), (d)(ii) or (e) below.

~~(b) These arrangements will only come into effect in the event that:~~

~~(i) the Minister of State for London Resilience declares that a “catastrophic incident” has occurred, or is imminent, or~~

~~(ii) there is an emergency requiring a level 2 response as defined in Guidance under the Civil Contingencies Act 2004.~~

~~(c)~~ The delegation of powers under section 138 of the Local Government Act 1972 to L.A. Gold will only have effect in the following circumstances:

~~(i)~~ after the convening of Gold Command, normally led by the Police, in response to the declaration of a major incident, or

~~(ii)~~ for other disruptive events such as extreme weather which do not require the convening of Gold Command, after 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.

~~(c)~~ ~~(d)~~ In the event of an emergency requiring a level 2 response, the Gold Chief Executive Subject to paragraph (e) below, L. A. Gold will only have power to incur expenditure once:

~~(i)~~ the Minister of State confirms that H.M. Government will reimburse expenditure reasonably incurred by the ~~Gold Chief Executive~~ L.A. Gold in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience, or

~~(ii)~~ The Council or Councils in whose area the ~~emergency incident~~ occurs confirm that it/they will reimburse expenditure incurred as for the purposes in (i) above.

(e) In the event that L.A. Gold has not been able to receive confirmation from the Council(s) in whose area an incident has occurred that expenditure will be reimbursed, and where it is absolutely essential for L.A. Gold to incur expenditure for the purposes in paragraph (d)(i) above or to promote community cohesion and a return to normality, it has been agreed that the Council(s) affected will meet that expenditure provided it is kept to minimum levels and does not exceed £1 million in total while confirmation of reimbursement is being sought.

~~(d)~~ (f) All Council officers are authorised to take any action in accordance with instructions issued by the appointed L.A. Gold under the arrangements described above. Gold Chief Executive in the event that such a “catastrophic incident” is declared or an emergency requiring a level 2 response occurs.