

MEETING TITLE AND DATE:

Cabinet 19th January 2011
Council 26th January 2011

REPORT OF: Director of Environment

Agenda – Part: 1	Item: 11
Subject: Proposed Clarification to the Gold Resolution and Arrangements for Mutual Aid	
Wards: All KD No: 3185	
Cabinet Member Consulted: Cllr Chris Bond	

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1. EXECUTIVE SUMMARY

Proposed Clarification to the Gold Resolution

- 1.1 As part of the arrangements for dealing with major incidents or emergencies in the capital, all 32 London Boroughs and the City Corporation adopted a resolution. This is known as the 'Gold Resolution' and delegates certain powers to the 'Gold' Chief Executive so that he or she can act on behalf of all boroughs to deliver a coordinated local government response in emergency situations where the response goes beyond the capabilities of the affected borough. The role of Gold Chief Executive (known as London Local Authority Gold or LLAG) is undertaken by Heads of Paid Service on a rotational basis.
- 1.2 The LLAG has overall command of Local Authority resources, coordinating information, tasks, conveying strategic priorities and coordinating the incident response. The LLAG sits on the multi-agency Strategic Coordination Group with 'Golds' from other agencies. Together they will be responsible for formulating the strategy for the incident. Although the LLAG acts on behalf of all boroughs, they have no current authority to spend money on their behalf in the most extreme circumstances.
- 1.3 Following practical experience in exercises and recent serious incidents, the Resolution has been reviewed and additions identified which will ensure it is fit for purpose in the future. The proposed changes have been overseen by the Panel of all borough Chief Executives which manages local authority interests in pan London resilience planning.

1.4 The main changes of note to the current arrangements are:

1.4.1 Convening of the London Local Authority Gold in 'rising tide' events that do not require a 'blue light' response i.e., severe weather conditions.

1.4.2 LLAG's delegated powers to include incurring expenditure of up to £1m on behalf of the affected borough during exceptional circumstances. Although LLAG will make every attempt to obtain authorisation for spend from local authorities, the Gold Resolution contains no actual requirement for them to do so.

1.4.3 Borough 'mutual aid' arrangements to be formalised into a Memorandum of Understanding (Attached as Appendix A).

2. RECOMMENDATIONS

It is recommended that Cabinet recommend Council to approve:

2.1 Coordination of Local Authority Effort

London Local Authority Gold to be convened during a 'rising tide' event (such as pandemic influenza or severe weather) and where Gold Command have not been activated due to it not being a 'blue light' event. LLAG will guide and give advice but not have any authority to incur expenditure (unless a London Partnership meeting is held and the agreement of London Councils is secured).

2.2 Minimum Essential Expenditure

1.3.1 If a "blue light" emergency situation arises and where obtaining confirmation on expenditure from the affected council is not possible, London Local Authority Gold may need to take immediate action to safeguard life or property, prevent suffering or promote a return to normality. They will exercise their delegated powers which would include incurring levels of expenditure up to the sum of and not exceeding £1m on behalf of the affected borough. LLAG will make every attempt to obtain authorisation for spend from local authorities; however the Gold Resolution contains no actual requirement for them to do so.

2.3 Arrangement for Mutual Aid

The memorandum provides a more formal footing for participating authorities to endeavour to provide assistance to another participating authority. This assistance may take the form of provision of personnel and/or equipment in the event of, or in anticipation of an emergency. This is not intended to be legally binding but an accepted set of guidelines.

2.4 Out of the 33 London Boroughs, 17 have so far approved all the proposed changes to the Gold Resolution. It is anticipated that the majority of the remaining boroughs will do so within the first half of 2011.

3. BACKGROUND

- 3.1 In normal circumstances, the borough response to an incident is dealt with by the Councils Emergency Management Team which is lead by the Chief Executive or by one of the Councils Directors. London Local Authority Gold would only be convened if the “size and nature of the incident is far greater than a conventional major incident” and would require regional multi-agency coordination. In most circumstances, LLAG would be activated at the request of the councils Chief Executive.
- 3.2 Pan-London ‘Gold’ arrangements have been in place for many years although it wasn’t until the introduction of the Civil Contingencies Act 2004 that these were formalised into the London Local Authority Gold Resolution. The Gold Resolution was first put into effect during the July 7th bombings in 2005 and was last reviewed and revised in 2006. This report sets out proposals to update and clarify the current arrangements in the light of experiences over the last 3-4 years and other changing circumstances.
- 3.3 Some of the experience relates to the heavy snowfall covering Greater London in February 2009, which was an extreme and exceptional weather event during which organisations across London faced considerable challenges. Gold Command was not convened on that occasion as the incident was not deemed to be an emergency requiring a ‘blue light’ response. However, the Head of Paid Service on the ‘Gold’ rota was active during the period, albeit informally. There was a clear need for a local government response to be coordinated across the boroughs.
- 3.4 The London Regional Resilience Forum agreed that it would be useful to look at what happened at that time and to identify lessons learnt and to make recommendations for the future. An interim report was produced at the end of February; this was followed by a more detailed document in May 2009. One of the findings of that review was that the London Local Authority Gold was “operating without empowerment” as a consequence of the incident not being a “blue light” event and therefore falling below the threshold for implementation. of Gold command. It was agreed that a review of the Local Authority Gold Resolution should be undertaken to ensure arrangements for empowerment of the LLAG should be extended.

4. ALTERNATIVE OPTIONS CONSIDERED

No alternative options were considered as the recommendations are based on improving the existing arrangements which have been tried and tested over a number of years. Any suggested change is built upon strengthening current procedures, not introducing new ones.

5. REASONS FOR RECOMMENDATIONS

Please refer to paragraph 1.3, 3.2 and 3.3

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

This report seeks to formalise the arrangements that are currently in place. Under the current arrangements it is likely that LLAG would make provision in the case of an extreme event and that this may include spend on behalf of an affected borough, which may not be represented at the time on the LLAG. This proposal formalises that authority and allows spend in the same extreme circumstances of up to £1m. Our Chief Executive is already part of the LLAG, therefore the likelihood of not having an authorised person to make such decision in an extreme event is considered low. In the unlikely circumstance of a major incident, officers will put in place arrangements of keeping relevant financial records so that a proper claim can be made to the affected boroughs should we incur costs on their behalf.

6.2 Legal Implications

6.2.1 The Civil Contingencies Act 2004 delivers a single framework for civil protection in the United Kingdom. The Act covers local arrangements for civil protection ([Part 1](#)) and emergency powers ([Part 2](#)). The Council is meeting its requirements under the Act in participating as detailed in this report.

6.2.2 Legal Services will review the Memorandum of Understanding to ensure it is in a form approved by Legal Services, however it should be noted that the Memorandum of Understanding is non-binding on the parties. The Council, however needs to ensure the terms are acceptable as the Council's reputation could be affected if it was seen not to be complying with the obligations.

6.2.3 While there is no UK wide policy specifically relating directly to mutual aid, many areas such as police, fire, NHS and local authorities have inter (and intra) agency mutual aid protocols in place. The Cabinet Office has produced a paper – "Mutual Aid – a short guide for Local Authorities". Therefore, the provision of Mutual Aid must be in accordance with the Cabinet Office guidance.

7. KEY RISKS

Opportunities

Authorised Essential Expenditure for London Local Authority Gold during an emergency would be beneficial to the affected Council and its residents. It would allow reactive and proactive measures to save life, property and businesses to be taken quickly, where in extreme circumstances, rapid confirmation of authority for this spend would not be possible.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

By their very nature, major emergencies could impact on people from all communities in the borough. The adoption of the Gold Resolution as proposed will help to ensure that effective action is taken in these situations

8.2 Growth and Sustainability

This proposal, particularly the ‘essential expenditure’ will positively impact growth and sustainability in Enfield by providing immediate action and a level of spending to effectively respond to, support and help those affected recover from a major emergency.

8.3 Strong Communities

None.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

None.

Background Papers

London councils LLAG Report

Proposed Clarification to the Gold Resolution and Arrangements for Mutual Aid.