

APPENDIX B

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CEO Circular: Local Authority Gold Resolution - Questions & Answers

28/01/2004

Summary: This circular summarises the responses to frequently asked questions, in relation to the resolution that the ALG Leaders' Committee has asked all London boroughs adopt, on Local Authority Gold Command and Control. Please refer to my [Circular \(66/03\)](#) dated 19th December 2003.

Local Authority Gold Resolution: Questions & Answers

Q1 Is the resolution for a full council or the executive?

A Functions under section 138 Local Government Act 1972 are executive functions and should be treated accordingly.

Q2 How will the reimbursement arrangements work where a "Gold" Chief Executive has incurred expenditure on behalf of a number of boroughs.

A: If the "Gold" Chief Executive incurs expenditure on behalf of another borough, the Government will reimburse the authority which has incurred the expenditure, i.e. that of the "Gold" Chief Executive

Q3 It appears, from the terms of the resolution that boroughs are being asked to delegate their functions even in situations where the Catastrophic Incident occurs in their borough alone. Is this the intention?

A Yes, this is the intention. If the Minister decides an incident is catastrophic (which is a pre-condition for the resolution coming into effect) it is highly likely that either the incident will affect more than one borough or will have implications for other boroughs e.g. knock-on effects on the transport system. The resolution provides for consultation with affected boroughs and, in this situation, it is likely the Gold Chief Executive would work in cooperation with the Chief Executive of the affected borough.

Q4 What sort of timescale are we working to?

A Early indications are that most boroughs will have passed the resolution by the end of February, 2004, and all by the end of March, 2004.

Q5 May we have details of who the Gold Chief Executives are?

A They will be drawn from a growing list of volunteers. The current Gold Chief Executives are:

- § Geoff Alltimes Hammersmith & Fulham
- § Dave Burbage Newham
- § Chris Duffield Corporation of London
- § Bruce McDonald Kingston
- § Peter Rogers Westminster
- § David Wechsler Croydon

Q6 On what basis will it be decided which Chief Executive will be “Gold” e.g. would Hillingdon lead if the incident were at Heathrow Airport?

A The team of Gold Chief Executives are operating on a two-week rota basis (see also answer to Q3, above).

Q7 What happens if a borough passes the resolution and then rescinds it, for example because of a lack of confidence in a particular Chief Executive?

A We are optimistic that boroughs will not do this. If any borough with a Gold Chief Executive pulled out, the arrangements would obviously be unworkable. If a borough without a Gold pulled out, the resolution would have to be passed again by all the other boroughs and the arrangements would not then operate in the borough, which had rescinded.

Q8 Should other Ministers be involved in the declaration of a catastrophic incident?

A The reason for having a named Minister (the Minister for London Resilience) is to ensure that the Minister declaring the incident also has the authority to agree that expenditure will be reimbursed. Naming other ministers would confuse the situation. The Government has approved the terms of the resolution and we can therefore assume it is workable in this regard.

Q9 Does the resolution allow the appointed Head of Paid Service to delegate his/her authority? Other staff will obviously need to operationalise any Gold commands?

A The resolution does not expressly permit this. There is, however, case law that has established that once functions have been delegated to an officer, they may be exercised by that officer's staff. If any borough does not wish to rely on implied powers, they should amend the resolution appropriately.

Q10: Is the effect of the resolution to indemnify and provide insurance cover for the appointed Head of Service, in the same way that comfort is offered in delegation of powers within a borough?

A: No - it provides that expenditure reasonably incurred by the LA Gold will be reimbursed. Insurance cover is a matter for individual boroughs.

I hope you find this circular helpful in answering your questions on the resolution. We will, of course, keep boroughs informed on progress.

Martin Pilgrim
Chief Executive