

LONDON BOROUGH OF BRENT

EXECUTIVE

8TH MARCH 2004

FROM THE DIRECTOR OF ENVIRONMENT

FOR INFORMATION / ACTION

NAME OF WARD ALL

REPORT TITLE : INVESTING POWERS TO A "GOLD" CHIEF EXECUTIVE IN THE EVENT OF A CATASTROPHIC INCIDENT IN LONDON

FP REF: ES-03/04-206

1.0 SUMMARY

- 1.1 The ALG Leaders' Committee, at their meeting on 9 December 2003, recommended that all London local authorities adopt a resolution on Local Authority Gold Command and Control in the event of a catastrophic incident in London.
- 1.2 The purpose of the resolution is to vest the 'Gold' Chief Executive with the necessary powers to act on behalf of all the London local authorities in responding to a catastrophic incident, including the power to incur expenditure.

2.0 RECOMMENDATION

- 2.1 That the Local Authority Gold Resolution (attached as Appendix A) be agreed.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The current emergency planning administrative procedures are not adequate to cope with 'catastrophic incidents' as defined in this report. It is then essential for London that the proposals outlined here are implemented. The definition of a catastrophic incident is carefully defined and ensures that cost is accepted by Government before the proposed power is activated. Accordingly cost will not fall solely on one individual borough.
- 3.2 The Government has established the Bellwin Scheme of Emergency Financial Assistance to Local Authorities. This may be activated in circumstances where an emergency or disaster involving destruction of property or damage to life occurs and as a result one or more local authorities incur expenditure taking immediate action to safeguard life or property. In such cases financial assistance may be claimed from the Government. Before being eligible for grant an individual authority is required to have spent 0.2% of its annual budget on the incident (Brent figure for 2003/2004 was £655k). Qualifying expenditure over this threshold would receive 85% reimbursement. However, the Bellwin Scheme does not cover damage caused by terrorism as it is deemed to be 'insurable'.

3.3 This "Gold Command and Control" Scheme per Appendix A Clause 6 of the resolution envisages that the Minister of State for London Resilience confirms expenditure incurred will be reimbursed by the Government. This may have to be outside of the current Bellwin Scheme and a local authority may have to bear an element of these costs.

4.0 STAFFING IMPLICATIONS

4.1 Functions under s138 of the Local Government Act 1972 which are currently Executive functions would be vested in a 'Gold' Chief Executive from another authority in responding to a catastrophic incident.

5.0 ENVIRONMENTAL IMPLICATIONS

5.1 Co-ordinated Londonwide action would allow environmental considerations to be taken into account during any catastrophic incident.

5.0 LEGAL IMPLICATIONS

5.1 The Council has the necessary legal powers to delegate emergency action to an officer and, where necessary, to an officer of another London Local Authority , to undertake all appropriate action and incur reimbursable expenditure in the event of a Catastrophic Incident as defined in the report.

5.2 Section 138(1) of *Local Government Act* 1972 provides that where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and the Council considers that that is likely to affect any or all of its area or inhabitants, the Council may:

- (a) incur such expenditure as may be considered necessary in taking action themselves which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event, and
- (b) make grants or loans to other persons or bodies on conditions determined by the Council in respect of action taken by such persons or bodies

Section 138(1A) authorises the Council to incur expenditure in undertaking contingency planning to deal with a possible emergency or disaster which, if it occurred, would involve destruction of or danger to life or property likely to affect its area.

5.3 Section 19 of *Local Government Act* 2000 authorises the Secretary of State to make regulations which permits the Executive to arrange for the discharge any of its executive functions by another local authority or, as in this case, by the Executive of the other authority. The Executive of the other authority may then delegate those functions to an officer of that authority. As the resolution suggests, the nominated officer for this purpose will be the Head of Paid Service (in most authorities this will be the Chief Executive).

5.4 The above arrangements are dealt with in regulation 7 and 10 of *The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000*.

6.0 DIVERSITY IMPLICATIONS

6.1 There are no immediate diversity implications arising from the recommendation. It is possible however, depending on the cause of the catastrophic incident that implications may arise in the aftermath.

6.2 For example, one of the consequences of the attack on the World Trade Centre in the USA was a rise in Islamophobia and the Council would need to demonstrate their role in community leadership if there was any subsequent “fall out” from any catastrophic incident which may impact adversely on one or more groups in our community.

7.0 DETAIL

7.1 The response to a major incident in London is usually led by the Metropolitan Police Service from New Scotland Yard, and for large-scale incidents the emergency services operate a Strategic or ‘Gold’ Co-ordinating Group to consider the longer-term issues that will affect the tactics for dealing with the major incident. The specific local authority of the area involved in the incident will also be a part of the Gold Co-ordinating Group.

7.2 Prior to the attacks in the USA on 11th September 2001 it had not been envisaged that an incident in London would require the co-ordinated and directed response of all 33 local authorities. No mechanism for this co-ordination and direction existed. It is now recognised that an event such as that which involved the aircraft crashing into the World Trade Center in New York City, or a widespread CBRN (Chemical, Biological, Radiological or Nuclear) incident, or any incident leading to a mass evacuation of part of London (whether planned or spontaneous), would require the involvement of all 33 London local authorities, both those directly affected by the incident and those which would be able to provide support.

7.3 The London Resilience Forum, chaired by the Minister for London Resilience, Nick Raynsford, have adopted the following definition of a Catastrophic Incident:

"A catastrophic incident is a major incident where, following advice of the emergency services, the Designated Minister is of the opinion that it is of such magnitude that it will require specific or exceptional response from members of the London Resilience Forum. Their strategic priorities will be to assist with both the immediate issues and achieving a return to normality. In doing so it is recognised that full H.M. Government involvement will be required."

- 7.4 Since 9/11 the Local Authorities Emergency Planning Sub-Committee of the London Resilience Forum has been working to deal with the pan-London local authority emergency planning issues at a strategic level, and currently 6 Chief Executives are on a 24/7 call-out rota to perform the role of LA Gold on behalf of all 33 London local authorities in the event of a Catastrophic Incident. This role is currently organised on a goodwill basis, without any formal or legal agreement between the 33 local authorities. The current Gold Chief Executives are:
- Geoff Alltimes – Hammersmith and Fulham
 - Dave Burbage – Newham
 - Chris Duffield – Corporation of London
 - Bruce MacDonald – Kingston
 - Peter Rogers – Westminster
 - David Wechler - Croydon
- 7.5 It is now proposed that, in the case of a Catastrophic Incident affecting a large part or all of London, the 33 local authorities will be represented at the Strategic Co-ordination Centre ('Gold' level) by 1 Chief Executive, who will be able to co-ordinate, and if necessary direct, the overall local authority response. This will entail all 33 local authorities opening their Emergency Control Centres and being prepared to assist those authorities directly affected by the incident with material and/or human resources under mutual aid agreements.
- 7.6 The on-call Chief Executive on the 'Gold Rota' will be required to go to the Strategic Co-ordination Centre (at New Scotland Yard or elsewhere), with 2 support staff, and use their own Emergency Control Centre and staff as the communications link between themselves and the other local authorities. This will entail the Chief Executive on the rota, their Gold Support Team and their Emergency Control Centre Staff to be on standby for immediate call for the duration of their duty period.
- 7.7 The Local Authority Gold Chief Executive is likely to face situations, in the event of a catastrophic incident, where expenditure may need to be incurred on behalf of London local authorities. For example, the costs in moving large amounts of rubble, of setting up Evacuation Shelters for tens of thousands of evacuees, to provide transport for vulnerable people or for providing practical assistance to the emergency services.
- 7.8 In order for the Gold Chief Executive to have the necessary powers to undertake this role, the Association of London Government has drafted a Resolution which, if agreed by all 33 local authorities, will provide the Gold Chief Executive with delegated authority [under Section 138 of the Local Government Act 1972] to undertake the role, **if and only if** the Government has declared a Catastrophic Incident and **when** the Government has confirmed that it would reimburse any reasonable expenditure incurred as a result of the incident and following the directions for response given by the Gold Chief Executive.

- 7.9 The Resolution will provide a necessary legal bridge for the exercise of the Gold Chief Executive functions until the Civil Contingencies Bill is passed and comes into force, at which time it is expected that the Regulation accompanying the Bill will contain appropriate measures.
- 7.10 The proposed resolution has been drafted by the Association of Local Government's (ALG's) legal adviser and was considered by, and is now recommended by, the ALG Leaders' Committee that met on 9 December 2003. The functions delegated in the resolution cannot come into effect until all the Councils have made the resolution.
- 7.11 The Local Authority Emergency Planning Sub-Committee of the London Resilience Forum believes the proposed resolution to be essential to ensuring that London's local authorities are able to deal competently with a catastrophic incident. In the ALG's latest circular (28/01/04) they advise that most boroughs will have passed the resolution by the end of February 2004, and all by the end of March 2004. All boroughs will need to pass the resolution before it takes effect.

8.0 BACKGROUND INFORMATION

Details of Documents:

ALG Leader's Committee Meeting 9th December 2003 – Item No. 7 – Report on London Resilience – Authority Gold: Inter-borough Agreement.

ALG Chief Executives' Circular 66/03 (including the Resolution), 19th December 2003.

ALG Chief Executives' Circular: Local Authority Gold Resolution – Questions and Answers, 28th January 2004

Letter from Nick Raynsford, Minister for London Resilience to Chair of ALG regarding Expenditure by LA Gold ,21st October 2003.

Any person wishing to inspect the above papers should contact: Irfan Malik, Environment Directorate, Brent House, 349-357 High Road, Wembley, Middlesex, HA9 6BZ.

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CATASTROPHIC INCIDENT IN GREATER LONDON: DELEGATION OF FUNCTIONS

This resolution to be passed by each London Borough 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 155 Local Government Act and Housing Act 1989, 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.
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 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, at the date of declaration of a Catastrophic Incident 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. A Catastrophic Incident is an incident declared as such by the Minister of State for London Resilience ("the Minister") where destruction of or danger to life or property in Greater London has occurred, or, in the reasonable opinion of the Minister, such destruction or danger is imminent, or the Minister has reasonable grounds for apprehending such destruction or danger.
5. The functions hereby delegated to the Head of Paid Service shall not be exercised until resolutions delegating the functions to the Head of Paid Service have been made by all the Councils.
6. The powers hereby delegated to the Head of Paid Service shall not include any power to incur expenditure or to make grants or loans to any person unless 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.
7. In discharging the functions, the Head of Paid Service shall, insofar as reasonably practicable, consult with and inform any Council whose area is affected by the Catastrophic Incident regarding any action proposed to be taken in that Council's area.