

## SUMMONS ITEM 9(a)

### FULL COUNCIL 24<sup>th</sup> April 2006

#### Report From The Executive

##### 1. Items to be reported by the Executive

- (i) Pilot Controlled Drinking Zone – Kilburn High Road and South Kilburn

The Executive on 10<sup>th</sup> April 2006 agreed the recommendations in the attached report and referred the matter to Full Council for approval.

The Leader has given notice that the Executive will also report to Council on the following items:

- (ii) Comprehensive Performance Assessment
- (iii) Twyford Tip
- (iv) Willesden Green Library Centre

##### 2. Decisions taken by the Executive under the Council's urgency provisions

Under the provisions of rule 38 of the Access to Information Rules in the Constitution, the Executive is required to report to the next Full Council for information on any key decisions taken by them but which did not appear in the forward plan.

*Amendments to the Local Authority Gold resolution to enable action to be taken to deal with non-catastrophic incidents*

The above item was considered by the Executive on 13<sup>th</sup> March 2006.

Decisions taken:

That the Local Authority Gold Resolution, attached as Appendix B to the report and set out below, be agreed subject to any further changes considered necessary by the Borough Solicitor following consultation with the ALG and other London boroughs who shall have delegated authority to make such changes to it:

1. This resolution is made in accordance with section 138 Local Government Act 1972, section 101 Local Government Act 1972, 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. The resolution has regard to “Emergency Response and Recovery” the non-statutory Guidance issued pursuant to the Civil Contingencies Act 2004.
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 Council which has appointed 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, following the convening of the Strategic Co-ordinating Group (“Gold Command”) to respond to an incident requiring a “Level 2” response (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. An emergency requiring a Level 2 response is a single site or wide-area disruptive challenge which requires a co-ordinated response by relevant agencies.
5. The functions hereby delegated shall not be exercised until resolutions delegating the functions have been made by all the Councils.
6. The powers hereby delegated to the Council which has appointed the Head of Paid Service shall not include any power to incur expenditure or to make grants or loans to any person unless either:
  - 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; or
  - the Head of Paid Service has received confirmation on behalf of the Council(s) in whose areas(s) the incident has occurred that expenditure reasonably incurred by the Head of Paid Service in taking immediate action to safeguard life or property; to prevent suffering or severe inconvenience and to promote community cohesion and a return to normality, will

be met by the Council (or the Councils in proportions to be agreed by them).

7. In the event the Minister has confirmed that expenditure will be reimbursed by HM Government, the Head of Paid Service shall, insofar as reasonably practicable, consult with and inform the Council(s) in whose areas the incident has occurred regarding any action proposed to be taken.

Reason why it was impractical to defer the decision until it could be included on the Forward Plan:

The ALG have requested that all London local authorities agree an amendment to the previous resolution which conferred 'gold command' on chief executives so as to enable the gold chief executive to act in cases of emergency whether or not the incident is classified as a catastrophic incident. The resolution needs to be amended as soon as possible so that the powers can be exercised forthwith should the need arise i.e. in the event of a London wide emergency.