

Subject: Resilience – Policy Proposal

Report to: GLA Oversight Committee

Report of: Head of Paid Service

Date: 16 October 2014

This report will be considered in public

1. Summary

- 1.1 The Mayor has proposed that the London Resilience Team be transferred from the Greater London Authority to the London Fire Brigade, whose work is overseen by the London Fire and Emergency Planning Authority. The Committee is being asked for its views on this proposal.

2. Recommendation

- 2.1 **That the Committee responds to the Mayor's consultation on his proposal to transfer the London Resilience Team from the Greater London Authority to the London Fire Brigade.**

3. Background

- 3.1 Soon after its election in 2010, the current Government committed itself to the abolition of the Government Office for London (GOL). London Resilience was one of the functions overseen by GOL and the Government decided in late 2010 that London Resilience should come under the Greater London Authority (GLA).
- 3.2 The transfer could be undertaken swiftly as primary legislation was not required and so, from early 2011, the GLA became a Category 1 responder under the Civil Contingencies Act 2004 with responsibility for the London Resilience function. The Mayor was also given the role of appointing the Chair of the London Resilience Forum (LRF).
- 3.3 Category 1 organisations are at the core of the response to most emergencies and are subject to the full set of civil protection duties. Category 2 organisations are 'co-operating bodies' and are less likely to be central to planning work but will be heavily involved in incidents that affect their own sector.
- 3.4 On 4 September 2014, the Mayor's Chief of Staff wrote to the London Fire Commissioner setting out the Mayor's proposal to transfer the GLA's London Resilience Team (LRT), which undertakes the London Resilience function, to the London Fire Brigade (LFB). The letter is contained in **Appendix 1** and sets out the Mayor's rationale for the proposal.
- 3.5 The proposal was considered by the LRF at its 6 October 2014 meeting and will be considered by the London Fire and Emergency Planning Authority (LFEPA) at its 27 November 2014 meeting.

3.6 The LRF comprises the following sector groups:

- Government;
- Emergency services;
- Local authorities;
- Sub-regional resilience forums and borough resilience forums;
- Business;
- Health;
- Utilities;
- Voluntary;
- Faith; and
- Transport.

3.7 The LRF endorsed the proposal at its meeting on 6 October, noting that there:

- Were no easily identifiable downsides to the proposal;
- Should be an emphasis on retaining the neutrality of the LRT within LFB structures; and
- Should be a review 12 months after the transfer (ie in early 2016) to assess the extent to which the new arrangements meet the expectations set out by the Mayor.

3.8 The LRF also agreed on 6 October for its own secretariat or direct support function, which is provided by LRT, to transfer from the GLA to LFB. This support function for the LRF is one of a number of functions undertaken by LRT (see paragraph 4.3 below).

4. Issues for Consideration

4.1 Under these proposals the Mayor will retain strategic oversight for resilience in the capital whilst passing day-to-day operational responsibility to the LFB. So the Mayor would retain within the GLA his critical 'voice for London' function during an incident. In addition, he would continue to be advised on this role and more generally by the Mayor's Advisory Group. This brings together, under the Mayor's or his Chief of Staff's chairmanship, the key GLA Group, Metropolitan Police Service (MPS) and resilience senior players during an incident or high profile disruption to day-to-day life in the city.

4.2 On day-to-day activities, the proposed changes are intended to improve the efficiency and effectiveness of the capital's resilience activities by placing the citywide and borough functions under the same management. This would increase the resilience capacity available through a pooled resource during times of emergency and would have the added advantage of introducing an additional resilience post at a senior level into LFB structures. The new senior post would be a full-time staffing resource dedicated to resilience activities and would act an interface with the key Whitehall and London agencies.

- 4.3 The transfer has two principal elements to it:
- The support function provided by the LRT to the London Resilience Forum, which the Forum agreed at its 6 October 2014 meeting to transfer from the GLA to the LFB; and
 - The other resilience functions undertaken by LRT, comprising risk assessment, emergency planning, pan-London co-ordination of responders and exercising, would remain the GLA's responsibility under the Civil Contingencies Act but which would be undertaken by the LFB on behalf of the GLA. These arrangements would be a matter for agreement between the GLA and the LFB.
- 4.4 Given the expertise present in the LFB, risks associated with the transfer are regarded as low. All key agencies have been informed of developments and are supportive of the proposal.

5. Legal Implications

- 5.1 Under Regulation 4 (5) of the Civil Contingencies Act 2004, the "arrangements" for each local resilience forum must be agreed by the relevant Category 1 responders. "Arrangements" is defined to include the "administration" of the local resilience forum, which includes the secretariat or direct support role.
- 5.2 To achieve a transfer of the responsibility for the secretariat or direct support role from the GLA to LFEPA would be by agreeing this as part of the "arrangements" with other Category 1 responders, following consultation with Category 2 responders under Regulations 4 (5) and 4 (6) of the Civil Contingencies Act 2004.
- 5.3 In terms of other functions, namely the preparation of pan-London risk assessment and planning/exercise of plans, Section 2 (1) (a) of the Civil Contingencies Act 2004 places the GLA as a Category 1 responder under an express duty "from time to time to assess the risk of an emergency occurring". Similarly, Section 2(1) of the Civil Contingencies Act 2004 requires the GLA to maintain various plans and to arrange for the publication of assessments and plans. The GLA could fulfil these duties by entering into arrangements with LFEPA under Regulation 8 (b) of the Civil Contingencies Act 2004 for LFEPA to perform the relevant duties on the GLA's behalf.

6. Financial Implications

- 6.1 The proposal would be cost neutral for the GLA as the GLA would provide direct financial recompense to LFEPA for the cost of the four posts proposed for transfer.

List of appendices to this report:

Appendix 1 – Letter from the Mayor's Chief of Staff to the London Fire Commissioner, 4 September 2014

Local Government (Access to Information) Act 1985
List of Background Papers: None
Contact Officer: Tom Middleton, Head of Governance & Resilience Telephone: 020 7983 4257 E-mail: tom.middleton@london.gov.uk