

## REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD189

### Enhanced Cleaning Provision Across the LFB Estate

#### Executive summary:

This report requests the approval of the Deputy Mayor for Fire and Resilience (the Deputy Mayor) to authorise the London Fire Commissioner (LFC) to commit revenue expenditure up to the amount set out in part two of the report for the purposes of enhanced cleaning across London Fire Brigade's (LFB's) estate.

Since March 2020 there has been a requirement to increase the quantity of cleaning provision across the LFB estate. This requirement was an important part of LFB's response to the COVID-19 pandemic, and was created for the health and safety of the operational workforce. As a consequence of the serious health risks posed by viruses and pandemics, there is a continued requirement for enhanced cleaning across the LFB estate. However, following a government review, the enhanced cleaning schedule has been amended to reflect awareness and knowledge of the virus, as well as improved products that are now available and proven to be effective.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the LFC to seek the prior approval of the Deputy Mayor before "[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...".

#### Decision:

That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit revenue expenditure of up to the amount set out in part two of the report for the purposes of enhanced cleaning across LFB's estate.

#### Deputy Mayor for Fire and Resilience

I confirm that I do not have any disclosable pecuniary interests in the proposed decision.

The above request has my approval.

**Signature:**



**Date:**

10/02/2023

## **PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE DEPUTY MAYOR**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. Report LFC-0777 to the London Fire Commissioner (LFC) explains that, since March 2020, there has been a requirement to increase the quantity of cleaning provision across the London Fire Brigade (LFB) estate, with cleaning hours every weekday and weekend. This requirement was an important part of LFB's response to the COVID-19 pandemic, and was created for the health and safety of the operational workforce.
- 1.2. This enhanced level of cleaning was delivered through an agreed contract variation to the existing service contracts that deliver general cleaning services across the estate. This covers the estate-wide soft-services contract, and the private finance initiative (PFI) contract that delivers cleaning to the PFI stations.
- 1.3. Deputy Mayor for Fire and Resilience Decision (DMFD) 63 (and LFC decision LFC-0338) secured approval for an additional spend for this enhanced cleaning over a period of 26 weeks, running up to 18 September 2020. Further reports were submitted to secure approval for the enhanced cleaning up to 18 March 2023 (DMFD88 (LFC decision LFC-0395), DMFD 108 (LFC decision LFC-0471z) and DMFD 155 (LFC decision LFC-0642)). The pandemic was an emerging situation that required arrangements to be closely monitored and regularly reviewed in response to the current risk level.

#### **2. Objectives and expected outcomes**

- 2.1. In line with the government's review of measures implemented in response to the pandemic, the requirement for enhanced cleaning has been reviewed and, as a result, amended to reflect awareness and knowledge of the virus, and improved products that are now available and proven to be effective. Consultation has taken place with LFB's Health and Safety department to agree the revised proposals and products to be used, including reviewing data sheets and evidence to support the effectiveness of the products.
- 2.2. The enhanced cleaning regime consists of a six-monthly application of a suitable product that provides long-lasting protection against viruses. The product is applied to all premises on a scheduled programme, with certification provided for the building to confirm the application and next due date. This certification is displayed in a prominent location. The first application was completed across the estate between August and November 2022; and the daily sanitisation regime was ended in a phased process across the estate as the application of the new product was completed.
- 2.3. This change to the service was captured as part of the efficiency review and provides a substantial saving on the costs of the current regime of daily sanitisation across sites.
- 2.4. It is proposed that this enhanced cleaning regime is implemented permanently, and becomes part of the standard cleaning regime across the estate. This will provide protection against viruses within the workplace, and ensure LFB is ready for any future pandemics. This is particularly important in fire stations, where building occupancy remains constant; and in stations where contractor activity, in terms of building works and maintenance, is required.
- 2.5. The contracts have provisions for variations where service requirements change; these variations require agreement between both parties. The variations are currently temporary but will be made permanent once approval has been achieved. Further variations can be made to the service, subject to requirement.

2.6. Alternative options for this service requirement have been considered. These are as follows:

- The PFI contract provides for all maintenance services for those stations, and it is not commercially viable to procure these services from another provider. The option of varying the existing contract to provide the enhanced level of cleaning is, therefore, the only solution available.
- The options of procuring these enhanced services for the rest of the estate as a new contract, or seeking a separate collaboration opportunity, were considered but would not offer best value. The soft-services contract for the estate was procured in 2020 (the expenditure was approved in DMFD65) using the CCS framework, and includes competitive rates for cleaning services. There are synergies with the general cleaning services delivered for the estate, and the Brigade benefits from these in the delivery of the enhanced cleaning. The specification for the soft-services contract includes the option to vary cleaning services in response to an increased risk from the pandemic; the current supplier has arrangements in place to deliver this efficiently.

### **3. Equality comments**

- 3.1. The LFC and the Deputy Mayor for Fire and Resilience (the Deputy Mayor) are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.
- 3.2. It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
- 3.3. The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.
- 3.4. The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:
  - eliminate discrimination, harassment and victimisation and other prohibited conduct
  - advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it
  - foster good relations between people who share a relevant protected characteristic and persons who do not share it.
- 3.5. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
  - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
  - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 3.6. The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 3.7. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- tackle prejudice
  - promote understanding.
- 3.8. The proposals in this report will not have a disproportionately adverse effect on any persons with a particular characteristic. The enhanced cleaning is protective of all staff, but is particularly important for vulnerable staff, who may have a disability and/or long-term medical condition that makes them more vulnerable to viruses. This is also important for older staff, who may be more vulnerable to viruses. As such cleaning has a disproportionately positive impact on these groups. An Equality Impact Assessment has been produced.

#### **4. Other considerations**

##### Workforce comments

- 4.1. Representative bodies have not been formally consulted in the development of this report. The proposal promotes the enhanced requirement of cleaning provision needed for the health and safety of all staff who are required to attend the estate. Representative bodies have been consulted on the proposed approach, and have agreed with the principles of this revised enhanced cleaning regime.

##### Sustainability comments

- 4.2. The contracts for cleaning across the estate were procured with requirements for responsible procurement and sustainability.

##### Procurement comments

- 4.3. The services were tendered in accordance with the LFC's Scheme of Governance (Part 3 – standing orders relating to procurement). The proposed variations in contracts as described can be made in compliance with the Public Contract Regulations 2015, paragraph 72 (8). Procurement Services have confirmed that, in accordance with regulation 72(8), the proposed variations or modifications in each of the above contracts do not constitute a substantial change requiring a new contract to be let, in that: there is not material difference from the service currently needed; there is no introduction of any new conditions that would have changed the outcome of the initial tender; the economic balance of the contract is not changing in favour of the supplier in a manner not provided for in the contract; there has been no change to the initial scope of the contract; and there is no change to the contractor.

##### Conflicts of interest

- 4.4. There are no conflicts of interest to declare from those involved in the drafting or clearance of this decision.

#### **5. Financial comments**

- 5.1. The costs contained within part 2 of the report have been included as part of the budget process for 2023-24, with an agreement in principle to this investment. Therefore, under the assumption that this will form part of the final agreed budget in March 2023, this is a known budgeted pressure to LFB's

Property department base budget. The cost of the enhanced cleaning provision during 2022-23 is set out in part 2 of the report and was met from the COVID-19 reserve.

## **6. Legal comments**

- 6.1. Under section 9 of the Policing and Crime Act 2017, the LFC is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the LFC specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 6.2. By direction dated 1 April 2018, the Mayor set out those matters, for which the LFC would require the prior approval of either the Mayor or the Deputy Mayor.
- 6.3. Paragraph (b) of Part 2 of the said direction requires the LFC to seek the prior approval of the Deputy Mayor before “[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...”. The decision to modify relevant service contracts for enhanced cleaning provision (at a value that exceeds £150,000), will accordingly require prior approval from the Deputy Mayor.
- 6.4. The statutory basis for the actions proposed in this report is provided by sections 7 and 5A of the Fire and Rescue Services Act 2004 (FRSA 2004). Under section 7 (2)(a) FRSA 2004, the LFC has the power to secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting. Section 5A allows the LFC to procure personnel, services and equipment they consider appropriate for purposes incidental or indirectly incidental to their functional purposes.
- 6.5. It is noted that the provision of the enhanced cleaning services will be requisitioned through a modification to existing contracts for services in compliance with the Public Contracts Regulations 2015, as 4.3 above states. The report confirms the modification to the contracts (reflecting the increased price due to enhanced cleaning regime as a result of COVID-19) are not considered to be so substantial requiring a new procurement to be conducted, and that regulation 72 of the Public Contracts Regulations 2015 is relied upon.
- 6.6. These comments have been adopted from those provided by the LFC’s General Counsel department in report LFC-0777 to the LFC.

## **Appendices and supporting papers:**

Part one of report LFC-0777 – Enhanced Cleaning Provision across the LFB Estate

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

**Part 1 Deferral:**

**Is the publication of Part 1 of this approval to be deferred? NO**

**Part 2 Confidentiality:** Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – YES**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following ( ✓ )

**Drafting officer**

Richard Berry has drafted this report with input from the LFC and in accordance with GLA procedures and confirms the following:

✓

**Assistant Director/Head of Service**

Niran Mothada has reviewed the documentation and is satisfied for it to be referred to the Deputy Mayor for Fire and Resilience for approval.

✓

**Advice**

The Finance and Legal teams have commented on this proposal.

✓

**Corporate Investment Board**

A summary of this decision was reviewed by the Corporate Investment Board on 6 February 2023.

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature:**



**Date:**

15/02/2023