

# Enhanced Cleaning Provision across the LFB Estate

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Report to:

Date:

Investment & Finance Board  
Commissioner's Board  
Deputy Mayor's Fire and Resilience Board  
London Fire Commissioner

24 November 2022  
7 December 2022  
13 December 2022

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Report by:

Laura Birnbaum, Assistant Director Property & TSS

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Report classification:  
For decision

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For publication

# PART ONE

## Non-confidential facts and advice to the decision-maker

### Executive Summary

As a consequence of the serious health risks posed by viruses and pandemics there is a continued requirement for enhanced cleaning across the London Fire Brigade estate. This paper seeks a commitment of expenditure and delegated authority to the Assistant Director, Procurement and Commercial to agree a variation to the relevant service contracts to provide revised enhanced cleaning across the estate. The enhanced cleaning requirement was previously reported, and an increased spend agreed by the Deputy Mayor (LFC-0338, LFC-0395, LFC-0471z and LFC-0642).

#### For the Deputy Mayor

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 the Part Two report for the purposes of enhanced cleaning.

This LFC decision will only be taken after further consultation with the Greater London Authority's finance and legal advisers and Corporate Investment Board.

#### For the London Fire Commissioner

The LFC agrees that a contract variation for enhanced cleaning be implemented in accordance with the arrangements set out in Part Two of this report.

### 1 Introduction and background

- 1.1 Since March 2020 there has been a requirement to increase the quantity of cleaning provision across the London Fire Brigade (LFB) estate to provide cleaning hours every weekday and weekend. This was an important part of the LFB's response to the COVID-19 pandemic and 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 the 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 LFC-0338 secured approval for an additional spend for this enhanced cleaning for a period of 26 weeks that ended on 18 September 2020. Further reports were submitted to secure

approval for the enhanced cleaning up to 18 March 2023 (LFC-0338, LFC-0395, LFC-0471z and LFC-0642). The pandemic was an emerging situation which required arrangements to be closely monitored and regularly reviewed in response to the current risk level.

- 1.4 In line with the Government's review of measures implemented in response to the pandemic the requirement for enhanced cleaning has been reviewed. As a result of this review the enhanced cleaning regime has been amended to reflect better awareness and knowledge of the virus and improved products that are now available and proven to be effective. Consultation has taken place with the Brigade's Health & 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.
- 1.5 The new enhanced cleaning regime consists of a six-monthly application of a suitable product which 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.
- 1.6 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.
- 1.7 It is proposed that this revised enhanced cleaning regime is implemented permanently and becomes part of the standard cleaning regimes across the estate. This will provide protection against viruses within the workplace and will ensure the Brigade is ready for any future pandemics. This is particularly important on fire stations where building occupancy remains constant and where contractor activity on stations in terms of building works/maintenance is required.
- 1.8 The contracts have provisions for variations for changes in service requirements which require agreement between both parties. The variations are currently temporary but will be made permanently once approval has been achieved. These services will not be fixed and can be varied again in the future if required to deliver a saving.
- 1.9 Alternative options for this service requirement have been considered.
  - 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 option of procuring these enhanced services for the rest of the estate as a new contract or seeking a separate collaboration opportunity was considered but would not offer best value. The soft services contract for the estate was procured in 2020 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 and the current supplier has arrangements in place to deliver this efficiently.

## 2 Objectives and expected outcomes

- 2.1 The objective of this report and the request for funding for enhanced cleaning services is to provide a safe working environment for staff against viruses. This service supports the delivery of emergency services and is a key control measure in the Brigade's response to viruses and any future pandemics. The enhanced cleaning aims to reduce the spread of viruses within

Brigade premises and provide safe working environments.

### 3. Equality comments

- 3.1 The LFC and the Deputy Mayor for Fire and Resilience 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 London Fire Commissioner's scheme of governance (part 3 standing orders relating to procurement). The proposed variations in contracts as described can be made compliantly in accordance with the Public Contract Regulations 2015, paragraph 72 (8). Procurement Services have confirmed that in accordance with regulation 72(8) the proposed variation or modifications in each of the above contracts is not a substantial change requiring a new contract to be let, in that it is: not materially different from the service currently needed; there is no introduction of any new conditions that would have changed the outcome of the initial tender ; it does not change the economic balance of the contract 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.

### Communications comments

- 4.4 Communications have already been issued to all staff to confirm the change in approach and each premise was contacted in advance of the first application being completed.

## 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 agreeing 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 the Property base budget.

## 6. Legal comments

- 6.1 Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "Commissioner") 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 Commissioner 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 Commissioner would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor").
- 6.3 Paragraph (b) of Part 2 of the said direction requires the Commissioner 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 Under the Scheme of Governance (1 May 2020) ("the Scheme") the final decision to agree to a variation of an existing contract with a value over £0.5m is delegated to a Director, whereas variations under £0.5m can be agreed by the Assistant Director of Procurement and Commercial. The proposed recommendation for the London Fire Commissioner to delegate authority to the Assistant Director of Procurement and Commercial to deal with variations in respect of all relevant cleaning services contracts referred in this report is permitted under Part 4 of the Scheme.
- 6.5 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"). Section 7 (2)(a) FRSA 2004 the Commissioner has the power to secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting and section 5A allows the Commissioner to procure personnel, services and equipment they consider appropriate for purposes incidental or indirectly incidental to their functional purposes.
- 6.6 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 the body of the report above refers. The report confirms the modification to the contracts (reflecting the increased price due to enhanced cleaning regime as a result of COVID19) 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.

# List of appendices

| Appendix | Title | Open or confidential* |
|----------|-------|-----------------------|
| 1        | None  |                       |
|          |       |                       |
|          |       |                       |

## Part two confidentiality

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

Is there a Part Two form: YES

## Originating officer declaration

Reporting officer to  
confirm the following  
by using 'x' in the box:

### Reporting officer

Claire Page, Head of Facilities Management, has drafted this report and confirms the following:

#### 1. Assistant Director/Head of Service

Laura Birnbaum. Assistant Director Property and TSS has reviewed the documentation and is satisfied for it to be referred to Board for consideration

#### 2. Advice

The Finance and Legal teams have commented on this proposal:

Karen Boother Legal Advisor, on behalf of General Counsel (Head of Law and Monitoring Officer).

James Buttery Financial Advisor, on behalf of the Chief Finance Officer.