

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD197

Title: Privacy for All Acceleration Programme

Executive summary:

This report requests the approval of the Deputy Mayor for Fire and Resilience to authorise the London Fire Commissioner (LFC) to commit capital expenditure as set out in part two of the report for the purposes of accelerating the London Fire Brigade's (LFB) Privacy for All programme, to ensure all fire stations have suitable facilities for female firefighters.

Deputy Mayor for Fire and Resilience Decision 125 gave approval for the LFC to commit capital and revenue expenditure for LFB's Privacy for All programme. The LFC now seeks to accelerate that programme in light of findings of an inspection of LFB and an independent review of culture. The original completion date for the programme of works is 2026-27. LFC has advised that this will remain the completion date, but that specific sites can potentially be delivered on a faster programme. This faster programme of works will further increase the costs above the approved total previously agreed.

The LFC 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:

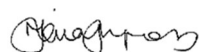
That the Deputy Mayor for Fire and Resilience approves the London Fire Commissioner's decision to commit capital expenditure as set out in part two of the report, for the purposes of accelerating the Privacy for All programme as outlined in this report.

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:

19/05/2023

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

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-23-018 to the London Fire Commissioner (LFC) seeks approval for capital expenditure to accelerate the delivery of the Privacy for All (PFA) programme. It explains that His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) recommended: "The Brigade needs to make sure that staff understand the value of positive action and having a diverse workforce. It should also make sure that all its fire stations provide suitable privacy and facilities for women." (Taken from "Effectiveness, efficiency and people 2018/19 – London Fire Brigade", published in December 2019).
- 1.2 Furthermore, the 2022 London Fire Brigade (LFB culture review includes recommendation 9, "ensure there are secure facilities for all women on stations" and outcome 12, "afford greater dignity for all staff".
- 1.3 LFB previously undertook a programme to implement dedicated female facilities across the whole estate, which concluded in 2002. It delivered a minimum of one dedicated female dormitory and one dedicated shower/toilet facility in each station. This was achieved by either creating new areas within the station footprint or reallocating existing facilities. These works were funded from LFB's capital programme.
- 1.4 LFB's Property and Technical Support Services department has been requested to review the current timeline for delivering the PFA project. The PFA plan is to implement gender-neutral design across the LFB estate over the current financial year (2022-23) and the following four financial years, in order to create gender-neutral resting rooms for firefighters at all LFB fire stations.
- 1.5 The original expenditure for the programme of works was approved in Deputy Mayor for Fire and Resilience Decision (DMFD) 125 and is currently under way. PFA projects have already been completed at Heston, Bromley, Holloway, Northolt, Southgate, Stanmore and Tooting fire stations. Contractors have been instructed for works at Ealing, Harrow, North Kensington, Southall, Sutton, Twickenham, Wandsworth and Willesden fire stations.
- 1.6 The current programme of works has been planned and prioritised to consider the lack of existing facilities and where listed building consent or planning permission is required. Stations requiring listed building consent and major refurbishments works have been scheduled to accommodate sufficient time for the approvals to be received to allow the delivery of the projects.
- 1.7 Nine LFB fire stations are managed under a Private Finance Initiative (PFI) arrangement by the PFI Facilities Management contractor. The PFI stations are included in this proposal, and are scheduled to be refurbished in 2026-27. However, the initial feasibility costs indicate that the costs to deliver PFA works may require additional funding due to the design of the existing mechanical systems. LFB will continue to investigate an acceleration programme with the PFI contractor. If negotiations with the PFI contractor result in additional funding being required that is not included in this report, further approval from the Deputy Mayor will be sought as necessary.

2. Objectives and expected outcomes

- 2.1. The LFC will need to engage the PFI contractor to undertake the design and delivery of the PFA works required at each of the nine stations under the terms of the existing PFI contract terms and conditions.
- 2.2 The revised programme of works will deliver more of the PFA works faster with additional stations being delivered in 2024-25 (28 compared to the previous 20), along with commencement and

anticipated faster delivery of all listed or major refurbishment by the end of 2025-26, with the nine PFI stations following in 2026-27.

- 2.3 A qualified consultant will be appointed to develop design solutions for a specified range of listed building and larger projects and undertake associated professional services. This will be a single point of contact on billable hours to lead this work and be available to LFB to give resilience to the Access and Workplace team. The benefit of the proposal is additional resilience for the delivery team.
- 2.4 The appointment of the specialist consultant will expedite the listed building approvals and allow the works to commence on site in 2024-25. The table below outlines the estimated targets for proposed PFA works:

Financial years	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Existing programme of works	3	14	17	20	19	15
Proposed accelerated programme of works	3	14	17	28	18	8

- 2.5 The cost of these works will be challenging to manage. The current market disruption – along with the increased energy costs, high inflation and labour costs have impacted the cost delivery. The appointed consultants will be contracted to mitigate cost increase where possible.

Constraints to the further acceleration of the programme

- 2.6 Various options have been considered following the request to review the existing scheduled delivery programme with an aim to accelerate the delivery of the gender-neutral facilities to all fire stations. Other fire and rescue services have chosen to provide mixed dormitories or simply chairs for resting without providing sleeping quarters. These would provide quicker solutions but the LFC does not consider these to be suitable options, given the recommendations from HMICFRS and the LFB culture review.
- 2.7 A risk associated with the acceleration of the PFA programme is that the number of stations being delivered at the same time may impact on the quality of the works and the availability of contractors, and increase the costs to deliver in a shorter timescale. This may also require the planned and reactive works at stations to be rescheduled. Where possible, LFB's Property and Technical Support Services department has sought to maximise efficiencies by aligning maintenance works with the PFA programme.
- 2.8 Consideration has been given to several options including additional fixed-term staff being engaged to deliver the accelerated programme of works. These options have not been progressed due to market conditions and the need for expediency. To engage the calibre of staff to undertake these works without a long induction/training period will reduce the capacity of the existing LFB officers to deliver their PFA projects.
- 2.9 Although it would be desirable to deliver PFA at the earliest opportunity, LFC has advised that its proposal is realistic, given the constraints on its estate. Many of its fire stations are listed and require listed building consent for adaptations, which takes time to secure. Nine are subject to a PFI contract, which makes adapting all those fire stations to meet the PFA requirements more challenging.

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 LFB project leads conducted an Equality Impact Assessment (EIA) for the PFA programme, in consultation with LFB's Inclusion team and the LGBT+ Support Network on 21 September 2020. This identified positive impacts on women, trans staff and religious staff. It noted that consideration should be given to the internal and external communications of the project, and emphasis on the positive impacts generated from the move away from large open dormitories towards individual privacy for each firefighter. The title 'gender-neutral facilities' is often interpreted to mean 'fewer facilities for women', and it is imperative that this is not the case with the proposed works, and that this is communicated effectively. Benefits to women are significant in the introduction of PFA and include positive impacts not just on existing staff but also future recruits, directly supporting the aim to create a more diverse and inclusive workplace (as set out in LFB's Togetherness Strategy), and will help with LFB's transformation.

- 3.9 This project aligns with a separate EIA undertaken by Central Operations, and their recent review of transfers and initial firefighter placement, which highlighted the effects of reduced female and trans accommodation in acting as a barrier to achieving a workforce more reflective of the London population.

4. Other considerations

Workforce comments

- 4.1 LFB will consult with representative bodies, as required to consider the impacts of acceleration programme of works. Representative from LFB's operations, equalities and togetherness, and fire stations departments are included within the project board.

Sustainability comments

- 4.2 All waste arising from works is to be removed by a licensed waste carrier and disposed of at a permitted facility. The Contractor is to supply all legally compliant signed waste transfer notes and waste consignment notes to the LFC.
- 4.3 It is anticipated there will be no adverse environmental implications.
- 4.4 This proposal does not introduce any significant sustainability impacts. Where new policies and/or corporate projects arise, they are subject to LFB's sustainable development impact assessment process.

Procurement comments

- 4.5 The procurement activity planned will be in accordance with the governance requirements for LFB as described in Part 3 of Standing Orders relating to Procurement.
- 4.6 Identification of the various routes to market described above will be supported by LFB's Procurement and Commercial department to ensure that awards are made to the most economically advantageous tenderer. These routes to market will include the use of existing LFB contracts; accessing contracts across the GLA; and the use of relevant national Framework contracts.
- 4.7 The evaluation of price, and the technical ability of tenderers, will form part of the development of the invitation to tender. Support will be provided in order to identify the optimum number of stations to be included in each package of works to achieve best value. Performance-management processes will be included to ensure that consistent delivery of the works is maintained.

Conflicts of interest

- 4.8 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 project will be funded from LFB's Overprogramming Budget to supplement the 2023-24 capital programming budget. The project will be funded from LFB's 2023-24 capital budget, which has been approved as part of LFB's final budget for 2023-24.
- 5.2 These costs are based on the known market of 2023. There remains a risk to the programme that due to rising building and labour costs the programme will require more resources.
- 5.3 More detailed financial comments are set out in part 2 of the report.

5.4 There are no direct financial implications for the GLA.

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 for Fire and Resilience (the Deputy Mayor).
- 6.3 Paragraph (b) of Part 2 of that 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...”.
- 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) of the 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; and 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 LFB’s General Counsel notes that the proposed tenders will be carried out in accordance with the Public Contracts Regulations 2015 (the Regulations) and the LFC’s Scheme of Governance (Part 3 Standing Orders Relating to Procurement).
- 6.6 These comments have been adopted from those provided by the LFC’s General Counsel Department in report LFC-23-018 to the LFC.

Appendices and supporting papers:

Appendix 1 - Report LFC-23-018 to the London Fire Commissioner

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 be published either 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 2 May 2023.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature:



Date:

22/05/2023