

Privacy for All Acceleration Programme

Report to:

Date:

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

26 January 2023
7 February 2023
28 February 2023

Report by:

Laura Birnbaum – Head of Technical Service Support & Property

Report classification:

For decision

For publication

PART ONE

Non-confidential facts and advice to the decision-maker

Executive Summary

1. This report seeks approval to accelerate the programme of works to deliver the privacy for all works.
2. Since the approval of the budget in 2021 both building material and labour costs have risen, and the supply of both elements restricted.
3. LFB are aware that the full programme of works cannot be delivered in a shorter period of time but acknowledge that specific sites can potentially be delivered on a faster programme. This faster programme of works will further increase the costs above the original budget set out in the part 2 report.

For the Deputy Mayor

That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit capital expenditure as set out in the Part Two report, for the purposes of accelerating the privacy for all programme as outlined in this report.

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 to award a contract for the purposes of accelerating the privacy for all programme for the amount set out in Part Two of the report, following a procurement exercise.

The London Fire Commissioner agrees to delegate- all procurement activity for the programme listed in Part 2 to the Assistant Director of Property and TSS once the expenditure has been approved.

1. Introduction and background
 - 1.1 The HMICFRS report recommendation was that: "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. ("Effectiveness, efficiency and people 2018/19 – London Fire Brigade", December 2019)."

- 1.2 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 either by the creation of new areas within the station footprint or by reallocating existing facilities. These works were funded from the capital programme.
- 1.3 The 2022 culture review include recommendation 9 'ensure there are secure facilities for all women on stations' and outcome 12 'afford greater dignity for all staff'.
- 1.4 Property and TSS have been requested to review the current plan for delivering the privacy for all project on an accelerated programme. The PFA programme plans to deliver the implementation of gender-neutral design across the LFB estate over the current financial year 22/23 and the following four financial years, in order to create gender neutral resting rooms for firefighters in line with the current watch strength at all LFB fire stations.
- 1.5 The original programme of works has been approved under LFC-0561 and is currently under way. The Access and Workplace team were scheduled to design and deliver the majority of the PFA projects in house over the next five financial years. PFA projects have already been completed at Heston, Bromley, Holloway, Northolt, Southgate and 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/planning permission is required. Stations requiring listed building 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 The nine PFI stations are being delivered by the Private Finance Initiative (PFI) Facilities Management (FM) contractor. 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 The Access and Workplace team will continue to investigate an acceleration programme with the PFI contractor.

2. Proposal

- 2.1 The recommended option is to engage additional resources to accelerate the programme. This will take two different forms to optimise the expertise needed and address concerns regarding value and resilience regarding acceleration. The benefit of the proposal is additional resilience for the delivery team. 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.
- 2.2 The Multi-Disciplinary Consultancy (MDC) that has already completed nine feasibility studies for the most complex stations will require the appointment of a MDC company to deliver the required works in the new timeframe.
- 2.3 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.

3. Objectives and expected outcomes

- 3.1 The revised programme of works will deliver more of the PFA works faster with additional stations being delivered in financial year 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 the financial 25/26, with the nine PFI stations following in financial year 26/27.
- 3.2 This approach offers a more flexible delivery plan. The appointment of the specialist consultant will expedite the listed building approvals and allow the works to commence on site in financial year 2024/25. With the exception of nine of the PFI stations, the anticipated programme of works would be completed on site by end of financial year 25/26. It is anticipated that by the end of financial year 23/24 17 PFA projects at stations will have been completed.
- 3.3 The cost of these works are 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.
- 3.4 The industry market is reporting that the cost of tender prices and building cost index is to continue to rise.
- 3.5 Tender Price Index Tender prices increased by almost 10% over the 12 months to Q4 2022. Price inflation trends will continue to plot an upward course into 2023, due to a combination of supply-side problems and construction output momentum combine.
- 3.6 Building Cost Index A composite measure of building input costs increased by just over 9% over the year to November. This is still an elevated level of input cost inflation, although rising at a slower rate.
- 3.7 The consumer prices index rose by 10.1% in the 12 months to November 2022. UK inflation has only exceeded 10% on a yearly change basis three times in the last 70 years.
- 3.8 Early engagement with the PFI contractor has also indicated that due to the designs and services installed to meet the Bream outstanding accreditation, the costs for the delivery of the PFA works in PFI stations is significantly higher than anticipated within the original report.
- 3.9 It is the intention that the engagement of the additional specialist resources detailed above will support to deliver the accelerated programme of works, the multi skills of the MDC and the dedicated consultant will also apply their expertise to review the designs and costs. The Access and Workplace team will be responsible for the design of 37 stations and the delivery of works on site for 48 stations by the end of financial year 2025/26.

4. Budget

- 4.1 The project will be funded from the 2023/24 capital budget, which is being updated as part of the development of the final LFB Budget for 2023/24.

5. Options

- 5.1 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.

- 5.2 The risks associated with the acceleration of the PFA programme is the number of stations being delivered at the same time may impact on the quality of the works and the availability of contractors and increased costs to deliver in a shorter time scale. This may also require the planned and reactive works at stations to be rescheduled.
- 5.3 Consideration has been given to several options including additional fixed term FRS 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 which will reduce the bandwidth of the existing access and workplace team to deliver their PFA projects.

6. Recommendation

- 6.1 It is the recommendation of this paper that the LFC undertakes the engagement of the previous MDC Consultancy to continue to deliver the major refurbishment at the nine fire stations. This will be procured from a suitable public sector framework. The appointment of a dedicated specialist Consultant to deliver the listed building/larger stations minimum of 20 stations, will be appointed via the current framework awarded by People Services for engagement of temporary specialist staff. Along with the engagement of the PFI contractor to at the nine PFI stations as set out in Part 2 of this report via a procurement action and enters into contracts to deliver PFA works on the acceleration programme.

7. Equality comments

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.

7.6 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.

7.7 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.

7.8 An Equality Impact Assessment (EIA) was conducted in consultation with the Inclusion Team and LGBT+ Support Network on 21 September 2020, identifying positive impacts on women, trans staff and religious staff. 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 privacy for all and include positive impacts not just on existing staff but also future recruits, directly supporting our aim to create a more diverse and inclusive workplace (as set out in LFB's Togetherness Strategy) and will help with LFB's transformation.

7.9 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 more reflective workforce.

Other considerations

8. Workforce comments

8.1 The project will consult with representative bodies as required to consider the impacts of acceleration programme of works. Representative from operations, equalities & togetherness and fire stations departments are included within the project board.

9. Sustainability comments

9.1 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 Commissioner.

- 9.2 It is anticipated there will be no adverse environmental implications.
- 9.3 This report does not introduce any significant sustainability impacts. Where new policies and/or corporate projects arise, they are subject to the Brigade's sustainable development impact assessment process.

10. Procurement comments

- 10.1 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. The programme is not anticipated to have increased impact on procurement.
- 10.2 Identification of the various routes to market described above will be supported by Procurement and Commercial 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 as well as the use of relevant national Framework contracts.
- 10.3 Procurement suggest that a negotiated route should be considered for some or all these planned projects to ensure the rates and prices and risks identified are reviewed. Further iterative steps are embedded in the evaluation of including both price and technical discussion with all bidders leading to a final submission of a best and final offer from each bidder. Although this approach might take a little longer the expectation is that greater understanding on both sides will lead to more competitive rates and therefore improved value for money overall.
- 10.4 The evaluation of price and 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.
- 10.5 The level of Procurement resource required to deliver these projects may have to increase due to the accelerated nature. Also, if a negotiated process is adopted this will be more intensive from a Procurement perspective and required more senior Procurement involvement and legal support.

11. Financial comments

- 11.1 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.
- 11.2 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.

12 Legal comments

- 12.2 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.

- 12.3 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").
- 12.4 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...".
- 12.5 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.
- 12.6 General Counsel notes that the proposed tenders will be carried out in accordance with the Public Contracts Regulations 2015 ("the Regulations") and the London Fire Commissioner's Scheme of Governance (Part 3 Standing Orders Relating To Procurement).

List of appendices

Appendix	Title	Open or confidential*
	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

Paula Taylor has drafted this report and confirms the following:

1. Assistant Director/Head of Service

Laura Birnbaum 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).

Oluwabunmi Fuwa Financial Advisor, on behalf of the Chief Finance Officer.