

GREATERLONDONAUTHORITY

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD201

Title: Property Compliance and Audit Provision

Executive summary:

This report requests the approval of the Deputy Mayor for Fire and Resilience to authorise the London Fire Commissioner (LFC) to commit revenue expenditure, up to the amount specified in Part 2 of the report, for the provision of compliance and audit services. These will assist the LFC in ensuring its estate is safe and compliant with relevant statute.

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 to commit revenue expenditure of up to the amount specified in Part 2 of the report for the provision of compliance and audit services.

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:

25 July 2023

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

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-23-040 to the London Fire Commissioner (LFC) explains that, as part of its arrangements to ensure its estate is safe and legally compliant, the LFC procures specialist external support from suppliers engaged in the delivery of facilities management (FM) services.
- 1.2 London Fire Brigade's (LFB's) Property Technical Assurance team is responsible for the assurance of LFB estate compliance. These responsibilities are either shared through the appointments of authorised and competent persons (APs and CPs) from within LFB, or outsourced to suppliers.
- 1.3 LFB currently has an appointed property compliance and audit (C&A) contractor that undertakes statutory C&A and monitoring related to its property function, as a CP. The property C&A contract provides information and action plans to LFB's Property Technical Assurance team, who are accountable for onward implementation. Additionally, daily health and safety checks are carried out regularly at LFB's fire stations, by operational staff, on fire alarms and other equipment to ensure they are functioning.
- 1.4 The current property C&A contract is due to expire on 30 September 2023.

2. Objectives and expected outcomes

- 2.1 Having a safe, compliant and effective estate is key to LFB delivering its services to London. Any failing in the delivery of mandatory and statutory inspections and maintenance relating to LFB properties carries numerous risks – including serious injury/death of employees, prosecution of duty holders (delegated or otherwise), and reputational impact.
- 2.2 The proposed C&A contract seeks to ensure that LFB remains compliant with property-related statute; and there is sufficient auditing in place to provide assurance that LFB receives services that demonstrate value from its supply chain. The inclusion of additional services supports the capacity and capability of the internal Property team through (call-off) access to appropriately skilled, experienced and qualified technical professionals on a pre-agreed call-off schedule of rates. A preferred supplier for all technical advice is intended to create a holistic understanding of the estate with the supplier, which can drive innovation and estate improvements.
- 2.3 The contract services are set out under the five key areas below:

| Service | Type | Delivers |
|-----------------------------------|--------------------|---|
| Statutory compliance monitoring | Core service | The C&A contract will provide assurance that LFB and its supply chain are following regulations, including HSE guidance and approved codes of practice. This includes a review of statutory certification of service reports; inspections; reviews of essential maintenance to gas, electrical and water systems, and equipment; and assurance of statutory certification, validity, competency, track corrective works and where required, re-certification. |
| Commercial auditing on quotations | Core service | Checking an agreed percentage of quotations in FM, projects and minor works across all LFB teams and the associated supply chain. |
| Building fabric/mechanical and | Additional service | Detailed checks on buildings and assets to inform property strategy, capital works planning and forward maintenance |

| | | |
|--|--------------------|---|
| engineering condition surveys | | planning. These building condition surveys would be based on the lifecycle guidelines published by the Chartered Institute of Building Services Engineers. They will provide planning and budget information for the Property team's Forward Maintenance Register, highlighting assets affected by statutory requirements; and will provide valuable information for longer-term capital planning and the estate strategy. |
| Technical site auditing | Additional service | On-site audits are to include site records, the premises logbook, previous completed corrective works and previous completed planned preventative maintenance. They will also involve checking on the outputs of FM services including Planned Preventative Maintenance (PPM), projects and minor works across all teams to ensure standards of work, and adherence to specification and quotations, are met and delivered by the supply chain. |
| Professional and technical advisory services | Additional service | Provision of professional services for LFB such as fire risk assessments, technical training, technical design and project delivery. |

Sourcing

- 2.4 To support collaborative procurement, the relevant CCS Framework has been identified and includes 31 suppliers. The CCS frameworks include specifications covering corporate social responsibility, cybersecurity and business continuity. The evaluation criteria will include appropriate details that will help to identify a successful bidder who is the best fit for LFB.

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 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 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 to the need to:

- tackle prejudice
- promote understanding.

3.8 An Equality Impact Assessment has been completed and shows a low impact.

4. Other considerations

Workforce comments

4.1 The workforce implications of the C&A contract enable a positive outcome for staff, as benefits will be realised by a safer and improved place to work with a more effective service provision. The recognised trade unions that collectively represent Property Services staff (GMB and UNISON) are being kept informed of developments within the Joint Committee for Fire and Rescue Services (FRS) staff, and will be fully consulted.

Sustainability comments

4.2 The project will be administered in accordance with LFB's sustainability policies. This report ensures that LFB is compliant with areas that have an impact under sustainability, such as gas and oil systems and F-Gas (Refrigeration Systems). The compliance assurance will have a positive impact.

4.3 This report 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

4.4 The suggested approach is fully compliant with the Scheme of Governance – Part 3 relating to Procurement. The evaluation of price, quality and responsible procurement will be weighted in order to maximise value for money for the services included within the contract, and to assist with its overall affordability. A detailed pricing model will be prepared to allow a thorough understanding of each bid received. The recognised form of contract will be used consistently with ensuring that risks can be appropriately owned, and contract management during the service delivery period will be straightforward. This will be done by ensuring that an appropriate level of obligations between LFC and the contractor is included.

- 4.5 The evaluation of price and quality will be weighted in order to maximise value for money for the services included within the contract, and to assist with its overall affordability.

Communications comments

- 4.6 There is not expected to be any requirement for LFB communications resulting from this paper. Staff in LFB will be notified, via the usual channels, if the supplier of services changes as a result of the new contract.

5. Financial comments

- 5.1 The report requests approval to commit revenue budgets for the provision of statutory C&A professional services across the LFB estate. The cost for this will be met from existing LFC annual budgets. There are no direct financial implications to the GLA arising from this report.
- 5.2 Further financial comments are set out in Part 2 of this report.

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 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 approve expenditure up to the value set out in Part 2 of the report, for the provision of compliance and audit services, will therefore require approval from the Deputy Mayor.
- 6.4 The General Counsel notes that the procurement of the new contract shall be conducted in accordance with the Public Contracts Regulations 2015 and the LFC Standing Orders.
- 6.5 The statutory basis for the actions proposed in this report is provided by section 5A of the Fire and Rescue Services Act 2004, under which the LFC, being a ‘relevant authority’, may do ‘anything it considers appropriate for the purposes of the carrying out of any of its functions’.

Appendices and supporting papers:

Part 1 of report LFC-23-040 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 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 24 July 2023.

INTERIM CHIEF FINANCE OFFICER:

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

Signature:



Date:

25 July 2023