

## REQUEST FOR DEPUTY MAYOR FOR FIRE DECISION – DMFD245

### Title: Marauding Terrorist Attack (MTA) Allowance – Overtime Payments

#### Executive summary:

This report requests the approval of the Deputy Mayor for Planning, Regeneration and the Fire Service to authorise the London Fire Commissioner (LFC) to commit revenue expenditure of £295,147 for the purpose of implementing and applying the Marauding Terrorist Attack two percent allowance to the calculation of overtime payments for operational staff with effect from 1 April 2024 as set out in this report.

Deputy Mayor for Fire and Resilience Decision 134 [DMFD134](#) previously gave approval for the LFC to commit expenditure on implementing a Joint Collective Agreement on the London Fire Brigade (LFB's) response comprising a permanent two per cent skills-based payment from April 2022 for operational staff from Firefighters to Group Commanders.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire 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...".

#### Decision:

That the Deputy Mayor for Planning, Regeneration and the Fire Service authorises the London Fire Commissioner to commit revenue expenditure of up to £295,147 for the purpose of implementing the Marauding Terrorist Attack two percent allowance to the calculation of overtime payments for operational staff with effect from 1 April 2024, as set out in this report.

#### Deputy Mayor for Planning, Regeneration and the Fire Service

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

The above request has my approval.

**Signature:**



**Date:**

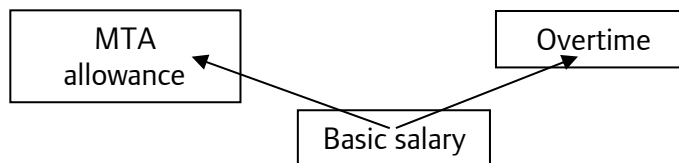
21/10/2024

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

### Decision required – supporting report

#### 1. Introduction and background

- 1.1. Report LFC-24-071x to the London Fire Commissioner explains that the London Fire Brigade (LFB) responds to acts of terrorism as part of its statutory duty as noted in the Fire and Rescue Service Act 2004. Deputy Mayor for Fire and Resilience Decision [DMFD134](#) and report LFC 0570z 'Marauding Terrorist Attack (MTA) collective agreement' gave approval for expenditure arising from the agreement which set out the framework and arrangements that were negotiated and agreed with the Fire Brigade's Union (FBU) for training and responding to MTAs. This collective agreement included the payment of a pensionable two percent allowance of the basic salary for operational staff from the rank of Trainee firefighter up to Group Commander.
- 1.2. A similar agreement was reached at the Greater Manchester Fire and Rescue Service.
- 1.3. The operational overtime pay arrangements are set out in the National Joint Council (NJC) Grey Book Section 4, Policy number 430 – Casual overtime duty, leave and allowances, and public holiday rates policy and Policy number 375 Pre-arranged (determined) overtime. These state that overtime is payable at time and a half or double time on public holidays. Station and Group Commanders are not normally eligible for overtime but can undertake additional duties at a set amount for an extra 9-hour or 24-hour duty performed as set out in Policy number 558 – Operational staff pay rates and sick pay policy.
- 1.4. Therefore, because the MTA allowance is based on the basic salary and overtime is also based on the basic salary, the MTA allowance is not applied to overtime as shown below:



#### 2. Objectives and expected outcomes

##### *MTA allowance overtime*

- 2.1. The principle of paying the MTA two percent allowance to all operational staff was to financially recognise the training and duties that are performed.
- 2.2. LFB has liaised with Greater Manchester Fire and Rescue Service who have confirmed that they do pay overtime on the combined total of the basic salary and MTA allowance because of the reason set out above. This difference between national fire and rescue services creates a national inconsistency of application.
- 2.3. LFB introduced skills payments for operational staff up to the rank of Station Officer of between one to three percent which is applied to overtime payments. This difference creates inconsistency between pay related terms and conditions that LFB's Payroll team have to administer. This also does not align with LFB's People Strategy of simplifying policies and processes.
- 2.4. On an occasion where LFB may have to attend an MTA incident that may result, in both or either, operational staff incurring casual overtime or where staff are performing a pre-arranged (determined) duty then the staff would not receive MTA allowance on that overtime, for such attendance. This is inconsistent with the principle of the collective agreement of paying the MTA allowance to perform MTA related duties when needed.
- 2.5. The Fire Brigade Union's (FBU) position is that they consider that the MTA two percent allowance should be applied to overtime payments and have been engaging in positive and constructive

discussions with LFB to seek this resolution.

- 2.6. The Finance department have provided estimated increased costs of up to £295,000 for 2024/25 should the two percent MTA allowance be applied which would be met from the existing overtime budget or from the Budget Flexibility Reserve in line with previous overtime overspends.
- 2.7. An implementation date has been agreed with the FBU of 1 April 2024 and, therefore, falls within this financial year's budget.
- 2.8. LFB wishes to apply the MTA two percent allowance to the calculation of overtime payments with effect from 1 April 2024 because of the reasons set out above. This is to recognise and support operational staff undertaking the important MTA related duties at all times as well as improving consistency of its application nationally and internally across staff terms and conditions.

### **3. Equality comments**

- 3.1 The LFC and the Deputy Mayor for Planning, Regeneration and the Fire Service 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 application of the overtime to the calculation of the MTA Allowance shall be applied to all operational staff, including those with protected characteristics, so although there is this positive impact because it is generally accepted to be beneficial, it is recognised that the pay increase which is based on a percentage increase across all grades, does mean that staff on higher grades receive more money than those on lower grades which include the lowest paid. The Equality Impact Assessment for Policy number 558 – Operational staff pay rates and sick pay policy dated 17 April 2024 shows that the policy provisions meet the responsibilities with regards to the Public Sector Equality Duty Act.

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

##### *Workforce comments*

- 4.1 This overtime payment calculation has been negotiated with the FBU trade union who report that it will have a positive impact on the operational workforce and represents a fair and consistent approach.

##### *Sustainability comments*

- 4.2 There are no direct sustainability implications arising from the recommendations within this report.

##### *Procurement comments*

- 4.3 There are no direct procurement implications arising from the recommendations within this report.

##### *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 This report recommends that the two percent allowance applying to the MTA allowance is incorporated into the calculation for overtime payments for operational staff. This will result in an ongoing increase in expenditure on overtime of two percent from 1 April 2024.
- 5.2 The total estimated additional cost shall be £295,147 which is calculated by applying a two per cent increase on the operational annual budget for 2024/25, 2023/24 level of overtime overspend and the 2023/24 additional payments spend.
- 5.3 The annual budget for operational overtime, Public Holiday overtime and standby overtime in 2024/25 is £4,926,325. A two per cent increase to this in addition to employers' National Insurance would be £112,123. If agreed this increase will be included as part of the budget setting process for 2025/26 and future years. The in-year impact of £112,123 will be met through a draw on the Budget Flexibility Reserve.
- 5.4 The Budget Flexibility Reserve had an opening balance of £13,560k at the start of the 2024/25 financial year.
- 5.5 The Budget Flexibility Reserve is forecasted to have an uncommitted balance of £2,883k by March 2025 as per the LFC Quarter 1 2024-25 Financial Monitoring Report. However, as a result of the forecast revenue overspend for 2024/25 the Quarter 1 report proposes that this balance is transferred

to the General Reserve.

- 5.6 The additional one off revenue funding requirement set out in the paper is proposed to be funded from the Budget Flexibility Reserve, this would reduce the balance available to support the in-year overspend, thereby increasing the pressure on the general reserve by the same amount. It should also be noted that actual expenditure exceeded the available budget in 2023/24, with overtime spend remaining a risk into 2024/25. If overtime spend remained at 2023/24 levels this would result in an increased in overtime expenditure including employer National Insurance of £286,147. The additional duties spend for 2023/24 was £435,000 and a two percent increase on this with employer costs would be £9,900. Therefore, the total estimated cost shall be £295,147. Any in year overspends will be considered as part of the in-year financial monitoring process along with the increased impact of a two per cent increase. This pay element of the overall LFB budget will be prioritised over other (and more discretionary) expenditure to ensure ongoing affordability.

Table 1 – Estimated cost of MTA overtime in 2024-25

	Overtime and additional duties costs £	<b>MTA overtime</b> £
Budgeted 2024/25 operational overtime, Public holiday and standby overtime	4,926,325	112,113
2024/25 additional actual spend rate forecast		174,034
Total forecast for 2 percent MTA overtime allowance (including National Insurance)		286,147
Additional duties spend in 2023/24	435,000	
2 percent increase on employer costs		9,900
<b>Total estimated cost of MTA overtime</b>		<b>295,147</b>

## 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 Section 1 of the Fire and Rescue Services Act 2004 states the LFC is the fire and rescue authority for Greater London.
- 6.3 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 Planning, Regeneration and the Fire Service (the "Deputy Mayor").
- 6.4 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...”.

- 6.5 The Deputy Mayor’s approval is accordingly required to implement and apply the MTA two per cent allowance to the calculation of overtime payments for operational staff which has an estimated cost exceeding £150,000.
- 6.6 This report seeks approval to implement and apply the MTA two percent allowance, to the calculation of overtime payments for operational staff following an agreement reached with representative bodies. The arrangements proposed is consistent with the LFC’s power under section 5A of the Fire and Rescue Services Act 2004 to do anything it considers appropriate for the purposes of the carrying-out of any of its functions. This report seeks approval to implement applying the MTA two percent allowance, to the calculation of overtime payments for operational staff following agreement reached with representative bodies.
- 6.7 These comments have been adopted from those provided by the LFC’s General Counsel Department in report LFC-24-071x to the LFC.

### **Appendices and supporting papers:**

Appendix 1 – LFC report LFC-24-071x - Marauding Terrorist Attack (MTA) Allowance – Overtime Payments

### 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 – NO**

### ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

#### Drafting officer

Soeli Dayus 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 Planning, Regeneration and the Fire Service for approval.

✓

#### Advice

The Finance and Legal teams have commented on this proposal.

✓

#### Mayoral Delivery Board

A summary of this decision was reviewed by the Mayoral Delivery Board on 30 September 2024.

✓

### CHIEF FINANCE OFFICER:

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

**Signature:**



**Date:**

22/10/2024