

LONDON FIRE BRIGADE

Procurement of Estates Professional Services for the Telecommunications Estate

Report to:

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

Date:

25 October 2024
13 November 2024
26 November 2024

Report by:

Anita Tracey – Estates Surveyor, Property and Technical Support Services

Report classification:

For decision

For publication

Values met

Integrity
Teamwork
Service

PART ONE

Non-confidential facts and advice to the decision-maker

Executive Summary

This report sets out the position with regard to the contractual provision of Estates Professional Services (EPS) for the Telecommunications Estate to the London Fire Commissioner (LFC) currently provided by Telemaster Limited. The current contract is due to expire on 30 June 2025. This report seeks approval to award a contract of up to five years and commit expenditure of up to the amount set out in Part Two of this report.

Recommended Decision

For the London Fire Commissioner

The LFC delegates full authority to Assistant Director of Property & Technical Support Services to enter into a contract for the procurement of EPS for the Telecommunications Estate and commit expenditure of up to the value stated in Part Two of this report.

1 Introduction and background

- 1.1 Since the early 2000s, the LFC's estate has supported hosting Mobile Network Operators (MNO) electronic communications installations. New legislation introducing the Electronic Communications Code 2017, hereafter referred to as The Code, has significantly deteriorated the benefits to landowners and the income that landlords can generate, whilst increasing the powers MNOs have to acquire sites. This benefits the government's targets in improving national telecommunications infrastructure.
- 1.2 Across the LFC estate, 59 fire stations have 79 lease agreements for telecoms installations with multiple MNOs on site for 20 stations. Their equipment is in various locations, from drill training towers to the roofs of fire stations and in some cases stand-alone antennas. Since 2022, EPS for the Telecommunications Estate have been procured separately with the primary objective of minimising impacts on fire station operations and uses in respect of MNOs and their access to works/alterations on London Fire Brigade (LFB) sites.
- 1.3 Currently the LFC has no lease agreements agreed that are covered by The Code, however the impacts of new legislation are due to occur for LFB in 2025/26 with the

imminent signing of new lease agreements. Any current leases that have expired are holding over outside The Code and therefore the old (higher) rents are currently being paid. The introduction of The Code provides MNOs with the power to install and keep installed their equipment on private land. LFC can only terminate the agreement in very limited and specific grounds:-

- by providing evidence to redevelop all or part of the land and giving at least 18 months' notice,
- substantial breaches by the MNO of its obligations under the agreement;
- persistent delays in making payments;
- the MNO is not entitled to an agreement in the first place because its test justifying the need for the site has not been proven.

2 Objectives and expected outcomes

2.1 LFC's estate management team operates a core in-house function that relies on the support of an external supply chain of EPS advisors. The contract specification provides a range of professional services for LFB in a specialised telecommunications market. The proposed structure for delivery of the services LFB requires is split between core and call off services. The supplier selected through the procurement process will be the only supplier responsible for providing EPS services to the LFC.

2.2 Table A below provides an overview of the services required and fee basis.

Table A – Scope and structure of the EPS for the Telecommunications Estate

Service Area	Service type	Proposed fee structure	Summary
Lease and data management	Core	Fixed	Responsibility for managing MNOs in accordance with lease terms and maintaining the LFB telecoms related estate data.
Site Access Management (SAM)	Core	Fixed	Management and compliance of MNO contractors regarding site access for works/alterations in liaison with LFB Person in Charge of the premises.
Rent Collection	Core	Fixed	Efficient collection and transfer of rent/payments to the LFC in accordance with lease agreements.
Upgrades/Major Works	Call off	Fixed (costs recoverable)	Process all MNO requests for Upgrades or Major Works, log and acknowledge in accordance with LFB's defined procedures and RICS standards.

Wayleaves	Call off	Fixed (recoverable from MNO)	Process all Wayleave applications in respect of LFC estate in accordance with LFB's procedures and RICS standards.
Rent reviews (RPI and/or Open Market Value)	Call off	Fixed	Landlord activation of rent reviews in accordance to RICS standards.
Lease renewals	Call off	Fixed (recoverable from MNO)	Process negotiations and agree lease terms with LFB property and legal teams in line with respective industry standards.
Strategic advice	Call off	Hourly rate	Provide strategic advice to LFC regarding telecoms lease agreements if/when appropriate
New lettings	Call off	Fixed (recoverable from MNO)	Process expression of interests/MNO requests in respect of new LFC sites in line with agreed processes.
Ad hoc services	Call off	Fixed	Processes LFB requirements lift and shift provision, requests for power outages, snagging issues incurred by MNO works.

2.3 This new EPS for the Telecommunications Estate contract will be a key enabler in protecting the LFC's best interests in respect of the upgraded rights of MNO tenant occupations. The new contract will provide:

- Independent professional advice to support decision making;
- An effective commissioning and fee structure aligned to industry standards;
- Verified and accurate data to enable effective telecoms estates performance management;
- Assurance on the negotiation of new leases under The Code;
- Optimise cost recovery from MNOs, where appropriate;
- Support Station Commanders in managing and minimising the impact of MNO contractors works on LFB sites;
- Assurance on matters such as challenging routes for wayleaves and or major works at LFC sites.

2.4 The EPS for the Telecommunications Estate supplier will be integral in setting precedent and protecting LFC interests in the negotiation of new leases under The Code. The contract duration is intended to be for three years, with two one-year extension options providing a maximum contract length of five years.

3 Values Comments

3.1 The LFC notes the Fire Standards Board requirements around adopting and embedding the Core Code of Ethics at an individual and corporate level. Following extensive engagement, the LFC has introduced Brigade values which build on and do not detract from the Code of Ethics.

- 3.2 As a public service, LFB's estate supports the government's national agenda of improving connectivity via telecommunications infrastructure. The successful development of digital communications in the future is a key enabler of LFB's service delivery capability supporting incident communications, therefore meeting the LFB Value of 'Service' – we put the public first. Effective management of the impact of the telecoms installations involves collaboration with many internal departments including Fire Stations, Property, Legal, Health and Safety supporting LFB's 'Teamwork' Value.

4 Equality Comments

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.

- 4.6 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.
- 4.7 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.
- 4.8 This project does not negatively affect anyone with protected characteristics under the Equality Act 2010 (e.g., age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) for the following reasons:
- **Equal Access:** The project focuses on managing telecoms installations and leases, which is unlikely to directly affect the services or accessibility of the fire stations for individuals with protected characteristics.
 - **Operational Continuity:** The project's goal is to ensure that the operation of the fire stations remains unaffected and unrestricted, meaning there should be no disruption to services that could indirectly disadvantage any specific group.
 - **Procurement of Specialist Advice:** The involvement of a telecoms specialist professional advisor ensures that the potential risks are well-managed, minimising unintended consequences on LFB's assets, operations, or individuals.

5 Other considerations

Workforce comments

- 5.1 It is not anticipated that there will be any workforce implications associated with awarding this contract. Any potential Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) obligations would be upon the new EPS for the Telecommunications Estate supplier and not the responsibility of LFB.

Sustainability comments

- 5.2 An SDIA checklist has been reviewed by the Sustainable Development Team. See Appendix 2.

Procurement comments

- 5.3 This project will be tendered in accordance with the LFC Scheme of Governance and the relevant procurement regulations that are applicable when the tender is issued to the market. This is because the new Procurement Act 2023 has been delayed to February 2025. The issuing of the Invitation to Tender (ITT) may be subject to either of Public Contracts Regulations 2015 or the new Procurement Act 2023 regime depending on the timing.

- 5.4 LFC Procurement have been engaged to develop the procurement strategy and develop the tender documentation. LFC Procurement will develop the tender documentation and procurement strategy to reflect the correct regime that the tender will be issued under once the final tender issue date has been clarified.
- 5.5 Procurement will explore all options to identify suitable bidders for this requirement, from existing frameworks to trade bodies and utilising existing LFC market knowledge.
- 5.6 The market engagement will be carried out utilising the scope of services developed by Property to ensure that only suitable suppliers are identified to participate in the tender process.
- 5.7 The contract duration is intended to be for three years and with two one-year extension options, giving a potential maximum contract length of five years.

Communications comments

- 5.8 Established communications procedures are in place with Fire Stations in regard to MNO contractors access to site and the agreement of any works. A communications update would only be required should changes to these procedures occur, and if applicable, suitable communications would be circulated to all parties impacted and affected.

6 Financial comments

- 6.1 The report seeks approval to commit revenue expenditure of up to the amount set out in the Part Two report for the purposes of awarding a contract for Estates Professional Services for the LFC Telecommunications Estate.
- 6.2 Further information on any budgetary financial implications are included in Part Two.

7. Legal Comments

- 7.1 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.
- 7.2 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 Planning, Regeneration and the Fire Service (the "Deputy Mayor").
- 7.3 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 practice.
- 7.4 It should be noted however that the telecoms estate earns a significant income to the

Brigade which impacts upon actual spends incurred. The contract will be awarded in accordance with the LFC Scheme of Governance and relevant procurement legislation in force at the time of award.

List of appendices

Appendix	Title	Open or confidential*
1	E quality Impact Assessment Initial S creening Form	Open
2	Sustainable Development Impact Assessment Checklist	Open

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



LONDON FIRE BRIGADE

Equality Impact Assessment (EIA) Initial Screening Form

When completing this form please use the [EIA guidance notes](#) and check our other resources on our dedicated [EIA Hotwire pages](#)

This form enables you to screen each protected characteristic and identify which may be positively or negatively impacted by your activity.

The purpose of an EIA is to meet and justify the legal obligation required under the [Public Sector Equality Duty](#) (PSED), namely, the 'DUE REGARD' that documents that your activity will:

- a) eliminate discrimination, harassment, and victimisation;
- b) advance equality of opportunity; and,
- c) foster good relations between people who share a relevant protected characteristic and people who do not share it.

You must be able to show that your activity meets the three conditions of the due regard by providing relevant information to show how it caters for people with protected characteristics (where applicable), through eliminating potential discrimination and promoting opportunities to build equity between all groups.

You will only be required to complete a full EIA assessment of the areas where you have identified a negative impact, and further adjustments will be required.

Use the fields below to record any impacts and potential mitigating actions against each protected characteristic. All complete initial screening forms should be submitted to the EIA team to review and confirm your next steps.



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Equality Impact Assessment (EIA) Initial Screening Form

A. Name, status, and expected outcomes of the activity	
Procurement of Estates Professional Services for the Telecommunications Estate. To go to IFB on 18 October 2024. The goal is to procure a new Estates Professional Services supplier of the Telecommunications Estates and enter a contract with them before the expiry of the current contract in June 2025.	
B. Who is this activity for, who is impacted by it? (all LFB staff, specific department, external communities)	
The project is led by the Estates Team within Property & TSS but affects 59 fire stations where the telecoms equipment is currently located (on top of drill towers, roofs and antennas) and the Mobile Network Operators (MNO's) enter a lease and pay LFB a rent. We are looking to procure a telecoms specialist professional advisor to mitigate and manage the impact of the telecoms installations and act in LFB's best interest, to protect LFB's property assets and ensure the operation of the fire stations are unaffected and unrestricted because of the telecoms equipment.	
C. Reason for Equality Impact Assessment	
- Review of an existing activity LFB already have an agent instructed, assisting us with the management of the telecoms portfolio, but their contract expires in June 2025.	
D. Team responsible for the activity	
EIA Author(s): Name: Anita Tracey Job title: Estates Surveyor Department: Property & TSS	EIA Owner(s): Name: Laura Birnbaum Job title: Assistance Director of Property & TSS Department: Property & TSS



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Equality Impact Assessment (EIA) Initial Screening Form

E. Equality and diversity considerations					
Protected Characteristic	Positive Impact ✓	Negative Impact ✓	Summary of impact	Is a mitigating action required?	
				Yes	No
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage / Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy / Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion / Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio Economic*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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Equality Impact Assessment (EIA) Initial Screening Form

Caring responsibilities*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no impact to the protected characteristic during the procurement of the Estates Professional Services for the Telecommunications Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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¹

Explain why a full EIA is not required:

This is for a procurement exercise for a supplier to provide specialist advice for the LFB's telecommunications estate for Estates Professional Services.

Signed by the Submitter

Name: Anita Tracey

Rank/Grade: F

Date: 27/09/2024

Email the completed form to EqualityImpactAssessment@london-fire.gov.uk

¹ *While these are not technically protected characteristics, it is still unlawful to discriminate against those within these communities.



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Equality Impact Assessment (EIA) Initial Screening Form



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Equality Impact Assessment (EIA) Initial Screening Form

To be completed by the EIA team, and returned to the submitter:

Initial Recommendations		
X	Recommendation	1:
No adverse impact(s) identified - activity continues with no change required		
Next steps		
<p>Based on the information provided, this project doesn't appear to negatively affect anyone with protected characteristics under the Equality Act 2010 (e.g., age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).</p> <p>Here's why:</p> <ol style="list-style-type: none">1. Equal Access: The project focuses on managing telecoms installations and leases, which is unlikely to directly affect the services or accessibility of the fire stations for individuals with protected characteristics.2. Operational Continuity: The project's goal is to ensure that the operation of the fire stations remains unaffected and unrestricted, meaning there should be no disruption to services that could indirectly disadvantage any specific group.3. Procurement of Specialist Advice: The involvement of a telecoms specialist professional advisor ensures that the potential risks are well-managed, minimising unintended consequences on LFB's assets, operations, or individuals.		



LONDON FIRE BRIGADE

Equality Impact Assessment (EIA)
Initial Screening Form

Name:	EIA	Team
Date: 10/10/2024		

Sustainable Development Impact Assessment Checklist

Project Name/Policy Name & No: Policy: Procurement of Estates Professional Services (EPS) for the Telecommunications Estate

Contact Person: Anita Tracey

Date completed: 4 October 2024

Please send through the completed checklist with a copy of the project PID or the draft policy to environment@london-fire.gov.uk. For existing policies undergoing minor amendments, please send through a marked up copy of the policy, with the original SDIA.

Other impact assessments completed				Yes	No
1. Has an Equalities Impact Assessment been completed?				<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Has a Health, Safety and Wellbeing assessment been completed?				<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Impacts					
3. Will this consume any of the following (please tick those that apply and state how and if this would increase or decrease our consumption):					
Gas	<input type="checkbox"/>	Electricity	<input type="checkbox"/>	Water	<input type="checkbox"/>
Petrol or diesel	<input type="checkbox"/>	Hazardous chemicals	<input type="checkbox"/>	Other natural resources e.g. timber	<input type="checkbox"/>
Comments: Would not affect the above. This is a procurement of EPS for the Telecommunications Estate contract.					
4. Will this produce or reduce our production of (please tick those that apply and describe what and how):					
Non-hazardous waste	<input type="checkbox"/>	Hazardous waste (see PN 862)	<input type="checkbox"/>	pollutants to air, land or water?	<input type="checkbox"/>
Comments: N/A					
5. Will this impact (positively or negatively):				Yes	No
a. Operational/business travel by staff				<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Travel/deliveries by our suppliers				<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Environmental protection at incidents				<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. a Site of Special Scientific Interest				<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Gardens or other wildlife at stations/brigade sites (e.g. nesting birds or bats)				<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:					

N/A		
Procurement	Yes	No
6. Will this result in the purchase of goods, services or works or influence how they are procured?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Is this for a purchase of greater than £1m?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Will this use/result in a tender for manufactured goods such as electronics, textiles, and building materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Will this service require low skilled/low paid employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Will the goods consume utilities or consumables?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Does this involve major works taking place?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. If so are BREEAM and Ecological surveys required?	<input type="checkbox"/>	<input type="checkbox"/>
l. Will this support future cost avoidance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m. Could all or part of the purchase be provided by small or local businesses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
n. Could this be delivered by a voluntary/community sector organisation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o. Has a Request For Tender been submitted to Procurement through hotwire?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Link to Part 1 and Part 2 of the Paper provided.		

For the SD Team to complete:

Policy sustainability risk rating: L

Inputs/outputs/impacts to address in Full SDIA: Not currently required.

Date completed: 09/10/2024

The SDIA checklist has been reviewed by the Sustainable Development Team