

GREATER LONDON AUTHORITY

REQUEST FOR DIRECTOR DECISION – DD2109

Title: Transfer of the accountable body responsibility for the London Climate Change Partnership to the Greater London Authority

Executive Summary:

The London Climate Change Partnership (LCCP) brings together key London stakeholders that have responsibility for and information on preparing London for the impacts of extreme weather and the changing climate. The Environment Agency has been the accountable body for the London Climate Change Partnership (LCCP) since 2011. Previously the Greater London Authority (GLA) had been the accountable body from 2001 to 2011. The Environment Agency are no longer able to act as the accountable body for the LCCP and the LCCP Steering Group has recommended that the GLA could carry out this role, subject to this Director's Decision .

Decision:

That the Executive Director of Development, Enterprise and Environment approves:

1. assumption of the role of accountable body for the London Climate Change Partnership (LCCP) from the Environment Agency from 01 May 2017;
2. receipt and use of £36,000 LCCP funds held by the Environment Agency by 01 May 2017;
3. provision of and making of charges for discretionary services to LCCP members as required from time to time;
4. allocation and expenditure of up to £62,000 per year on LCCP Partnership Manager services.

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: Fiona Fletcher-Smith

Position: Executive Director, Development, Enterprise and Environment

Signature:



Date:

4.4.2017

PART I – NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

Since 2011, The Environment Agency has provided the accountable body function for the London Climate Change Partnership (LCCP). Previously from 2001 (LCCP inception) to the GLA had provided this function.

The Environment Agency is no longer able to provide the accountable body function due to changes in government priorities for the Agency. However, they remain committed to the work of the LCCP and will remain a member of the LCCP to provide expert input.

The LCCP is a unique organisation, in that it brings together key London stakeholders that have responsibility for and information on preparing London for the impacts of extreme weather and the changing climate. The role of the LCCP is to identify the strategic issues for London, particularly London-specific vulnerabilities and opportunities and to develop best practice adaptation examples with leading organisations in each sector. The LCCP supports the GLA in discharging its statutory duty to assess the consequences of climate change for London and develop policies and proposals for London to adapt to climate change. In order for the LCCP to continue it requires an organisation to assume the accountable body role from 1 May 2017

The LCCP provide the GLA and London with a wealth of knowledge, expertise and resource to make sure that London and Londoners are able to adapt to the impacts of climate change. This includes the LCCP contributing to the development and implementation of the London Environment Strategy. These benefits support the GLA assuming the role of accountable body for the LCCP. Further details on the objectives and outcomes of the LCCP for 2017-18 are detailed in section 2 below.

It is recommended that the GLA assume the role of accountable body for the LCCP, accept a transfer of £36,000 of the LCCP's funds from the Environment Agency and provide up to £62,000 of funding per year for resource (noting the potential transfer of staffing resource (one employee) from the Environment Agency to the GLA under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)) to enable it to fulfil the role of accountable body for the LCCP.

As the accountable body for the LCCP the GLA will:

- manage the delivery of the LCCP work plan;
- contract on behalf of the LCCP, as required for its continued operation;
- be responsible for the financial management and administrative aspects of the LCCP; contract for and manage the services of a LCCP partnership manager to be located with the GLA Environment Team; and
- continue to host the LCCP website which consists of an informal agreement with a sole trader for hosting and maintenance and an annual cost of £180.

2. Objectives and expected outcomes

In 2017/18 the LCCP will:

- develop and publish a set of indicators to monitor London's resilience to the impacts of severe weather and climate change. This will allow businesses, infrastructure providers

and Londoners to monitor how resilient London is and also identify measures that can be taken to improve resilience and ensure London is a global leader.

- identify and report on the severe weather and climate change impacts for London's priority sectors including transport, energy, water and buildings.
- work with London's priority sectors to produce the main measures that can be implemented in order to increase London's resilience across new and existing infrastructure; and
- fundraise to contribute to LCCP costs including identifying funding opportunities for the LCCP and secure funding.

3. Equality comments

The LCCP work programme will stem from the current suite of environment strategies which were informed by a full Integrated Impact Assessment, which includes a consideration of equalities and (in the future) from the London Environment Strategy which will also be informed by a full Integrated Impact Assessment.

Many of the London-specific vulnerabilities and opportunities for climate change relate to the diversity of London's population, as many equalities issues can reinforce vulnerability to climate impacts (for example Londoners on low incomes who are unable to afford air conditioning during hotter summers). The work of the LCCP will consider opportunities to engage all Londoners on how to increase their resilience to climate impacts.

4. Other considerations

a. Links to strategies and Strategic Plan

The Mayor has a statutory duty to develop a London Environment Strategy which must contain provisions dealing with the Mayor's policies and proposals in relation to climate change adaptation. The LCCP is a key delivery partner in developing and implementing the strategy.

b. Impact assessments and Consultation

The LCCP is an unincorporated association. The Chair appointment process is managed by the accountable body, and decided by voting from the Steering Group. The Steering Group is composed of representatives from key stakeholder organisation. As such, no consultation is required to transfer accountable body role from the Environment Agency to the GLA however the LCCP Steering Group has recommended that the GLA would be a suitable accountable body. Under the provisions of TUPE, the GLA must inform and consult representatives of any of its own employees who will be affected by the transfer or measures taken in connection with it. This process is currently underway.

c. Risk

The key risk to the GLA is the potential reputational risk if the LCCP is perceived to perform less effectively without the Environment Agency leadership. This risk is low as the GLA has previously been the accountable body and has been providing direction to the LCCP through representation on the Steering Group, providing £30k of programme funding per year from 2011 and providing support and guidance to the LCCP Partnership Manager.

5. Financial comments

This report is seeking approval for the GLA to take over from the Environment Agency the responsibility of Accountable body for the LCCP. The transfer is to be effective from 1 May 2017 and will include the receipt of funding totalling £36,000 from the Environment Agency to

supplement the LCCP work programme. The expenditure of this income will take place over the 2017-18 and 2018-19 financial-years.

The GLA will make an annual contribution of up to £62,000 to the LCCP which will be funded from the existing Environment Programme budget for 2017-18 onwards.

The GLA's annual contribution of up to £62,000 will be utilised on funding resources at the GLA to facilitate the role of Accountable body and this will essentially mean the creation of a LCCP Partnership Manager role. As per the legal comments, this could mean a transfer of staffing resource (one employee) from the Environment Agency to the GLA under TUPE and will be subject to further approval.

One of the major roles of the LCCP is to identify and raise new funds, including making charges for discretionary services to LCCP members from time to time. The receipt of such income will supplement the work of the LCCP for which the GLA will be responsible for administering during the period where the Authority is the Accountable body.

6. Legal comments

- 6.1 The foregoing sections of this report indicate that the decisions requested of the Executive Director concern the GLA's exercise of its general powers to do such things considered to further or which are facilitative of, conducive or incidental to the promotion of the improvement of the environment in Greater London and in formulating the proposals in respect of which a decision is sought officers have complied with the Authority's related statutory duties to:
- 6.1.1 pay due regard to the principle that there should be equality of opportunity for all people;
 - 6.1.2 consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
 - 6.2.3 consult with appropriate bodies.
- 6.2 In taking the decisions requested, the Executive Director must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010). To this end, the Executive Director should have particular regard to section 3 (above) of this report.
- 6.3 Should the Executive Director be minded to make the decisions set out in this report, officers must ensure that:
- 6.3.1 to the extent that services/supplies/works are required for the GLA's discharge of its role as accountable body for the London Climate Change Partnership (LCCP): (a) such services/supplies/works must be procured by Transport for London Procurement who will determine the detail of the procurement strategy to be adopted in accordance with the GLA's Contracts and Funding Code; and (b) appropriate contract documentation is put in place and executed by the successful bidder(s) and the GLA before the commencement of such services/supplies/works;

6.3.2 appropriate, binding arrangements are put in place with the Environment Agency for its transfer of funding to the GLA before placing reliance upon such funding;

6.3.3 seek and secure further legal advice concerning arrangements for the securing of LCCP partnership management services, also ensuring that all applicable HR processes are followed and all necessary documentation is put in place in this regard.

6.4 The GLA may, when exercising its section 30 general power, charge third parties for its provision of discretionary services under section 93 of the Local Government Act 2003 provided that the charges levied do not exceed the costs of provision. In the event that such service provision is envisaged officers must ensure that appropriate contract documentation is put in place between and executed by the GLA and recipients of such services before the commencement of the same.

6.5 If the Executive Director approves the GLA's assumption of the role of accountable body for the LCCP from the Environment Agency from 01 May 2017, then the GLA believes that TUPE would apply and that one employee would transfer across to the GLA as a result. It is intended that the transferring post in the GLA will be accommodated as a Short Term Assignment for two years.

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**

If YES, for what reason:

Until what date: (a date is required if deferring)

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:

Cassie Sutherland has drafted this report in accordance with GLA procedures and confirms that:

✓

Assistant Director/Head of Service:

Patrick Feehily has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

Corporate Investment Board:

The Corporate Investment Board reviewed this proposal on 3 April 2017.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

M. J. Blac

Date

4.4.17