

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD108

Title: Extension of Cleaning Provision across the London Fire Brigade Estate

Executive Summary:

This report seeks the approval of the Deputy Mayor for Fire and Resilience for the London Fire Commissioner (LFC) to commit revenue expenditure of up to £2,100,000, for enhanced cleaning services.

As a consequence of the serious health risks posed by COVID-19 there is a continued requirement for enhanced cleaning across the London Fire Brigade estate. Report LFC-0471 seeks to agree a variation to the relevant service contracts, to provide the enhanced cleaning needed across the estate for a further 52 weeks (from 19 March 2021), in accordance with COVID SECURE guidelines for the workplace. The enhanced cleaning requirement was previously reported, and approval for the LFC committing increased expenditure was agreed in Deputy Mayor for Fire and Resilience Decision 63 (DMFD63) and DMFD88.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner to seek prior consent before '*[a] commitment to expenditure (capital or revenue) of £150,000 or above*'. The Direction also provides the Deputy Mayor with the authority to '*give or waive any approval or consent required by [the] Direction*'.

Decision:

The Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit revenue expenditure of up to £2,100,000 for enhanced cleaning services, to be funded from the additional budget as set out in November Budget Submission to the Mayor (LFC-0432-D).

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:

18 February 2021

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

Decision required – supporting report

1. Introduction and background

- 1.1. Report LFC-0471 explains that since March 2020 there has been a requirement to increase the quantity of cleaning provision across the London Fire Brigade (the Brigade) estate to provide cleaning hours every weekday and weekend. This is an important part of the Brigade's response to the COVID-19 pandemic and the health and safety of the operational workforce.
- 1.2. This enhanced level of cleaning is currently being delivered through an agreed contract variation to the existing service contracts that deliver the general cleaning services across the LFB estate. This covers the estate wide cleaning contract and provides cleaning services to the majority of the estate, which includes 94 fire stations and office buildings. It also includes the Private Finance Initiative (PFI) contract, which provides cleaning and maintenance to the remaining nine fire stations. The cost for the enhanced services is based on contract rates within the contracts although for the PFI contract the services are being delivered by an additional subcontractor on a bespoke rate.
- 1.3. The Deputy Mayor gave consent in DMFD63 for an additional spend for this enhanced cleaning for a period of 26 weeks that ended on 18 September 2020. A further decision, DMFD88, secured approval for an additional 26 weeks enhanced cleaning, which ends on 19 March 2021. The pandemic is an emerging situation, which has required arrangements to be closely monitored and regularly reviewed in response to the current risk level, so further funding has been requested for enhanced cleaning arrangements.
- 1.4. The Brigade's Health & Safety department has confirmed the enhanced cleaning is still anticipated to be required beyond March 2021. The COVID SECURE guidelines for workplaces have not yet changed and cleaning is still a critical control measure within them. This is particularly important on fire stations, where building occupancy has not been reduced and where contractor activity on stations in terms of building works/maintenance is continuing. This report seeks approval to commit further spend on the enhanced cleaning needed for up to an additional 52 weeks, as it is now clear that the pandemic will long continue into 2021. In the event that COVID SECURE guidelines are relaxed and the risk level has reduced, the Brigade will seek to return to the previous levels of cleaning.
- 1.5. The following actions are proposed to enable delivery of these enhanced services for a further 52 weeks:
 - a) PFI contract – this contract provides cleaning services to the PFI stations within the estate and a further variation of the contract will be agreed on the current rates.
 - b) Soft Services Contract – this contract provides cleaning services for the rest of the estate and a further variation of the contract will be agreed on the current rates.
- 1.6. The contracts have provisions for variations for change in service requirements, which require agreement between both parties. The variations to the service contracts detailed above will include the Brigade's ability to cancel the enhanced cleaning provision with a four-week notice period. This will be utilised to cease the enhanced cleaning, if advice from Public Health England confirms the risk has reduced, COVID SECURE guidance is amended and enhanced cleaning is no longer required.
- 1.7. The full anticipated costs are detailed in the appended report LFC-0471. The estimated cost of the continued requirement of enhanced cleaning is £36,000 per week. This results in an overall spend of £1,880,000 for 52 weeks, up to March 2022. An additional allowance of £220,000 is required to allow for further on demand deep cleaning, at premises where particular risk in relation to COVID-19 is detected. This would result in total spend of £2,100,000 over 52 weeks.

- 1.8. The pandemic is a changing situation and further developments may be seen in the next twelve months, which could impact on this service requirement. This report is therefore requesting a commitment for expenditure for a maximum of a further 52 weeks. The requirement for enhanced cleaning will be continually reviewed and amended at the appropriate time, in line with Government guidelines.

Alternative Options Considered and Consultation

- 1.9. The PFI contract provides for all maintenance services for those stations and it is not commercially viable to procure these services from another provider. The option of varying the existing contract to provide the enhanced level of cleaning is therefore the only solution available.
- 1.10. The option of procuring these enhanced services for the rest of the estate as a new contract, or seeking a separate collaboration opportunity was considered, but would not offer best value. The soft services contract for the estate was procured in 2020, using the Crown Commercial Services framework and includes competitive rates for cleaning services. There are synergies with the general cleaning services delivered for the estate and the Brigade benefits from these in the delivery of the enhanced cleaning. The specification for the soft services contract includes the option to vary cleaning services, in response to an increased risk from the pandemic and the current supplier has arrangements in place to deliver this efficiently.

2. Objectives and expected outcomes

- 2.1. The objective of the request for funding for enhanced cleaning services, is to provide a safe working environment for staff during the pandemic. This service supports the delivery of emergency services and is a key control measure in the Brigade's response to the pandemic. The enhanced cleaning aims to reduce the spread of COVID-19 within Brigade premises and provide COVID SECURE working environments.

3. Equality comments

- 3.1. The London Fire Commissioner and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (s149 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:
 - (a) Eliminate discrimination, harassment and victimisation and other prohibited conduct.
 - (b) Advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
 - (c) 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:
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic;
 - (b) 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;
 - (c) 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;
- (a) tackle prejudice; and
 - (b) promote understanding.
- 3.8. The proposals in this report will not have a disproportionately adverse effect on any persons with a particular characteristic.

4. Other considerations

Procurement and Sustainability

- 4.1. The proposed variations in contracts, as described, can be made compliantly in accordance with the Public Contracts Regulations 2015, regulations 72(1)(a) and 72(8). Procurement Services have confirmed that in accordance with regulations 72(1)(a) and 72(8), the proposed variation or modifications in each of the above contracts is not a substantial change requiring a new contract to be let, in that it is: not materially different from the service currently needed; there is no introduction of any new conditions that would have changed the outcome of the initial tender ; it does not change to the economic balance of the contract in favour of the supplier in a manner not provided for in the contract ; there has been no change to the initial scope of the contract and; there is no change to the contractor.

Strategic Drivers

- 4.2. This report supports the Brigade's requirement to provide a COVID SECURE working environment.

5. Financial comments

- 5.1 This report requests approval for expenditure on continuing enhanced cleaning provision across the LFB estate, at an estimated cost of £36,000 per week for a period of up to 52 weeks to the end of March 2022. An additional allowance of £220,000 is also requested for deep cleans which results in total requested spend of £2,100,000.

- 5.2 The Home Office has recently invited bids from fire and rescue services for grants to cover costs incurred as a result of COVID-19. There is therefore a possibility that this fund may cover the Brigade's enhanced cleaning costs, although this is not likely to be known until late March 2021.
- 5.3 The LFC's Budget Submission to the Mayor (LFC-0432-D) included an ongoing growth bid for additional cleaning of £2,200,000, which will fund this additional cost in 2021/22. This will be updated to the revised reduced cost of £2,100,000 in the March budget report. It is no longer anticipated that this additional cleaning will be required in subsequent financial years, so the future years forecast will be amended.

6 Legal comments

- 6.1 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.
- 6.2 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 Fire and Resilience (the "Deputy Mayor").
- 6.3 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 practices...". The decision to modify relevant service contracts for enhanced cleaning provision (at a value that exceeds £150,000), will accordingly require prior approval from the Deputy Mayor.
- 6.4 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.
- 6.5 It is noted that the provision of the enhanced cleaning services will be requisitioned through a modification to existing contracts for services in compliance with the Public Contracts Regulations 2015, as the body of the report above refers. Report LFC0471 confirms the modification to the contracts (reflecting the increased price due to enhanced cleaning regime as a result of COVID-19) are not considered to be so substantial requiring a new procurement to be conducted, and that regulation 72(1)(a) of the Public Contracts Regulations 2015 is relied upon.

Appendices and supporting papers:

LFC-0471 – Extension of Cleaning Provision across the London Fire Brigade Estate

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:

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

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

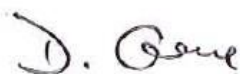
This decision was agreed by the Corporate Investment Board on 15 February 2021.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date



18 February 2021