

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD88

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

Executive Summary:

This report recommends the Deputy Mayor for Fire and Resilience to give approval for the London Fire Commissioner to incur expenditure of £1,196,000 to increase the cleaning provision across the London Fire Brigade's (LFB) operational estate for a period of up to 26 weeks.

As a consequence of the serious health risks posed by COVID-19 there is a continued requirement for enhanced cleaning across the LFB estate for a further 26 weeks in accordance with Government COVID SECURE guidelines for the workplace. The enhanced cleaning requirement was previously reported, and an increased spend agreed, for an initial 26-week period by the Deputy Mayor in DMFD63. The original request for additional spend ended on 18 September 2020. The pandemic is an emerging situation and it was unknown at that time how long the enhanced cleaning would be required. Hence, approval for additional expenditure for an additional 26 week period is now being sought.

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:

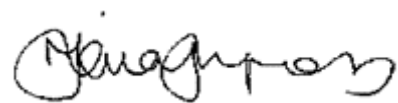
That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to incur expenditure of up to £1,196,000 to increase the cleaning provision across the London Fire Brigade's (LFB) operational estate in response to COVID-19 for a further period of up to 26 weeks until 19 March 2021.

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:

30 September 2020

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

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-0395 explains that since March 2020 there has been a requirement to increase the quantity of cleaning provision across the London Fire Brigade (LFB) estate to provide cleaning hours every weekday and weekend. This is an important part of the LFB's response to the COVID-19 pandemic and the health and safety of the operational workforce. This enhanced service resulted in an increased cost of £36,400 per week.
- 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 previously gave approval in DMFD63 for expenditure on enhanced cleaning for a period of 26 weeks; this period ended on 18 September 2020. The pandemic is an emerging situation and it was unknown at that time how long the enhanced cleaning would be required.
- 1.4 The LFB's Health & Safety department has confirmed the enhanced cleaning will still be required beyond this date. The Government COVID SECURE guidelines for workplaces have not changed and cleaning is still a critical control measure within them.¹ This is particularly important at 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 therefore seeks approval for further spend on the enhanced cleaning needed for an approximate additional 26 weeks until 19 March 2021. The LFB's requirements are being continually reviewed, and further reports will be submitted after the next period, if necessary.
- 1.5 The current cleaning contract for premises excluding PFI stations, expires in October 2020. The procurement of a new contract for this service has been progressed and a new contract has been awarded. Discussions are now progressing in anticipation to vary this new contract to include the enhanced cleaning provision and ensure there is no gap in the service. The costs for enhanced cleaning with the new supplier are estimated in this report but are not anticipated to be substantially different from what the current supplier is providing.
- 1.6 It was not possible to predict the enhanced cleaning requirement to deal with COVID-19 and associated increased spend at the start of the ongoing procurement process for the new cleaning contract, which commenced in March 2020 and delaying the process was not considered to be in the LFB's interest due to the imminent expiry of the existing contract and the need for a continued service. As the contract terms allow for some flexibility as demands change, a variation post award was considered to be the best option to deal with the current essential requirement without delay and gap in service from October 2020.

2. Objectives and expected outcomes

- 2.1 The following actions are proposed to enable delivery of these enhanced services for a further 26 weeks:

¹ <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

- a) PFI contract – the variation of the contract once agreed will be on the current rates.
 - b) Current cleaning contract – the existing contract will be varied to allow the enhanced services on current agreed rates to be delivered until the end of that contract in October 2020.
 - c) New cleaning contract agreed as part of a wider Soft Services contract for the LFB estate – a variation will be agreed with the new contract provider to deliver the enhanced level of cleaning for the remaining period of the 26 weeks or whenever the approved funding envelope expires, whichever is the earlier. This will allow the enhanced level of cleaning to continue with no gap in service once this new contract commences in October 2020.
- 2.2 All the contracts have provisions for variations to the service requirements subject to the agreement of both parties. The proposed variations in the contracts as described can be made compliantly in accordance with the Public Contracts Regulations 2015, regulation 72 (8) as confirmed by Procurement Services. This is because the proposed variation or modifications in each of the above contracts is not a substantial change requiring a new contract to be procured.
- 2.3 The variations to the service contracts detailed above will include the LFB's ability to cancel the enhanced cleaning provision with a two-week notice period. This will be utilised to cease the enhanced cleaning if advice from Public Health England confirms the risk has reduced and enhanced cleaning is no longer required.
- 2.4 The estimated cost of the continued requirement of enhanced cleaning is £40,000 per week (allowing for a 10% increase on the current costs of £36,400 due to the change in supplier from October 2020). This results in an overall spend of £1,040,000 for 26 weeks up to March 2021. An additional allowance of 15% is required to allow for further on demand deep cleaning at premises where particular risk in relation to Covid19 is detected. This results in an overall spend of £1,196,000.
- 2.5 The pandemic is a changing situation and further developments may be seen in the next six months which could impact on this service requirement. This report is therefore only requesting approval for an approximate further 26 weeks at this stage. The requirement for enhanced cleaning will be continually reviewed and a further report will be submitted in March 2021 if the enhanced cleaning is required beyond that date.

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 people with protected characteristics (as detailed in paragraph 3.3 below), 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; and
 - (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; and
 - (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 LFB's Property department has fully considered equalities in relation to the station users and supply chain delivering these essential cleaning services. The proposals in this report will not have a disproportionately adverse effect on any persons with a protected characteristic. The enhanced cleaning services will have a positive impact on all station users including those from protected groups, as the services will be providing a cleaner and safer working environment for all and enabling stations to continue operating.
- 3.9 LFB will continue to work with all suppliers to ensure they comply with the Equality Act, all legislation and the risk assessments they have undertaken in relation to delivering services during this pandemic. Compliance with the Equality Act is delegated to the supply chain in their contract terms and conditions.

4. Other considerations

Workforce comments

- 4.1 Representative bodies have not been formally consulted in the development of this report. The proposal promotes the enhanced requirement of cleaning provision needed for the health and safety of all staff who are required to attend the estate as a result of the COVID-19 pandemic.

Sustainability implications

- 4.2 This is an extension of current arrangements to provide additional hours of cleaning at premises. There are no sustainability implications.

5. Financial comments

- 5.1 The report recommends that delegated authority is provided to increase the cleaning provision across the LFB operational estate, at an estimated cost of £40,000 per week (allowing for a 10% increase in the current costs due to the change in contract from October 2020) for a period of up to 26 weeks. A 15% margin is also requested which results in total requested spend of £1,196,000.
- 5.2 The impact of this spend is included in the Quarter 1 Financial position report and is also being monitored through COVID-19 reporting. This spend contributes to the forecast overspend position for 2020/21, set out in the financial position report. If savings cannot be identified to meet this then it may result in a draw down on the General Reserve. The initial period of additional cleaning has been included in the COVID-19 costs. MD2671 approved funding of £1.761 million from the GLA to the London Fire Commissioner to support COVID-19 response costs. On the assumption these costs are to continue, a growth bid has been submitted for 2021/22 to fund this additional requirement and will be considered as part of the 2021/22 budget process.

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 £1m), will accordingly require prior approval from the Deputy Mayor.
- 6.4 Under the Scheme of Governance (1 May 2020) ('the Scheme') the final decision to agree to a variation of an existing contract with a value over £0.5m is delegated to a Director, whereas variations under £0.5m can be agreed by the Assistant Director of Technical and Commercial Services. The proposed recommendation for the London Fire Commissioner to delegate authority to the Assistant Director of Technical and Commercial to deal with variations in respect of all relevant cleaning services contracts referred in this report is permitted under Part 4 of the Scheme.
- 6.5 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.
- 6.6 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 decision above refers. This decision confirms the modification to the contracts (reflecting the increased price due to enhanced cleaning regime as a result of COVID19) are not considered to be substantial requiring a new procurement to be conducted, and that regulation 72(8) of the Public Contracts Regulations 2015 is relied upon.

Appendices and supporting papers:

Appendix 1: LFC – 0395 - 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.

✓

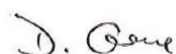
Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 21 September 2020.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

30 September 2020