

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD164

Title: 8 Albert Embankment Maintenance/Lambeth Fire Station Condition – Investment and Maintenance

Executive summary:

This report seeks the approval of the Deputy Mayor for Fire and Resilience for the London Fire Commissioner to commit capital expenditure, as set out in Part 2 of the report, for the purpose of remedial works in respect of the former London Fire Brigade (LFB) headquarters building/Lambeth Fire Station at 8 Albert Embankment.

LFB plans to undertake improvement works to mitigate various building condition concerns, and assure the safety of the site, to support continued operational delivery from Lambeth Fire Station. Intrusive surveys in 2021-22 to review areas of concrete spalling have confirmed the exterior of the building has developed concrete derogation. The proposed works are designed to mitigate risk in the medium term only (circa three to five years) ahead of the planned site redevelopment in accordance with LFB's current Development Agreement for the site.

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 commit capital expenditure for up to the amount set out in the Part 2 report, for the purpose of remedial works in respect of the former LFB Headquarters building/Lambeth fire station at 8 Albert Embankment.

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:

21/6/22

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

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-0690 to the London Fire Commissioner (LFC) sets out the background for the request for the Deputy Mayor for Fire and Resilience to authorise the LFC to commit capital expenditure for up to the amount set out in the Part 2 report, for the purpose of remedial works at 8 Albert Embankment, in the London Borough of Lambeth. This site is the former headquarters (HQ) building of London Fire Brigade (LFB), and continues to be in operational use as Lambeth Fire Station.
- 1.2 LFB has a development agreement in place with U+I for the development of the site. It was anticipated that this would provide for new housing and business space; a site for the LFB Museum; and continued operational use as Lambeth Fire Station. Planning permission for the development proposals was refused by the Secretary of State (SoS) for Housing, Communities and Local Government in 2021 (SoS decision).
- 1.3 Following a judicial decision in November 2021 refusing to grant an appeal regarding the SoS decision, discussions on future options for the development of the site are ongoing. In January 2022, an options review by the Commissioner's Board agreed a recommendation to renegotiate with U+I a recommendable alternative development agreement proposal. Since that time, LFB has been working with their independent professional advisers Jones Lang LaSalle, as well as U+I, to develop a viable scheme that has an acceptable level of planning risk and addresses the following issues:
 - the position of the development agreement.
 - development of a viable scheme that meets the terms of the development agreement with U+I; this includes the requirement to provide for a new Lambeth Fire Station, an LFB Museum and housing on the site
 - the requirement to deliver a development agreement that is compliant within the parameters of the original procurement process
 - the deteriorating condition of the listed property on the 8 Albert Embankment front site, and ongoing concerns raised by Lambeth Fire Station crews.
- 1.4 Through a series of LFB and U+I workshops in recent months, concentrated efforts have been made to redesign and deliver a viable scheme that meets LFB requirements whilst addressing key issues from the planning inspector's decision. It is expected to be known by June 2022 whether a revised development agreement is achievable. If this is the case, independent counsel will be sought on procurement risk and LFC governance requirements will be confirmed.
- 1.5 Recent reports and the site condition surveys in 2021-22 have highlighted the deteriorating condition of the former LFB headquarters building, and the need to propose an investment plan that ensures any capital investment in building condition represents value for money in the context of the wider development plan, or as part of any future disposal terms. This is required to assure the safety of the building and protect the provision of continuous operational delivery from Lambeth Fire Station. Any plan requiring works to the building needs to ensure LFB, as the

freeholder, meets any obligations to preserve the condition of the Grade II-listed building. This will mitigate any risk of the building's inclusion on Historic England's 'Heritage at Risk' Register, or financial penalties as a result of listed building offences where conditions are not adhered to.

- 1.6 The most significant concern on condition is the fabric and concrete derogation throughout the former headquarters building, which shows signs of decay – from hairline cracks to areas of multiple cracking. This has been reassessed through a specialist survey, which has immediately required external areas of the station to be made safe with propping works and areas of the yard being cordoned off to staff. Scaffolding and netting has been erected to protect all identified areas of risk.
- 1.7 To date, LFB's Property department has absorbed the costs of the interim scaffolding/propping safety provisions within revenue budgets, and weekly checks are undertaken to monitor the position. This has restricted the maintenance budget available to undertake other planned works across LFB's estate. These costs are detailed in the Part 2 report, alongside further anticipated revenue costs in 2022-23 pending the completion of remedial works required.
- 1.8 In addition, condition surveys highlighted that the building is designed to be supplied by three on-site boilers. However, two are decommissioned and beyond economical repair. A single boiler is functioning for the whole site, with no resilience in place due to the age and condition of the parts required. A loss of heating and hot water could mean Lambeth Fire Station cannot operate. This risk has been effectively mitigated through enablement works to support a boiler hire solution if needed; and works to replace the boiler have a confirmed programme in place, which commenced in April 2022. This has been funded from the LFB's capital budget.
- 1.9 Over time, decisions on planned preventative maintenance have aligned with ongoing redevelopment plans. This has resulted in the internal fabric of the fire station (decoration, resting and washing facilities, furniture, flooring, and so on) deteriorating to a point where remedial work is required to improve and promote a functional and healthy working environment for crews based at the station.
- 1.10 Other low-to-medium-risk areas were noted as an outcome of condition surveys. Several specialist surveys will be required to quantify a full scope of works, predominantly around the fabric elements of the building, to inform further remedial actions. LFB plans to assess these when the outcomes of current negotiations on a revised development agreement are known, and more accurate timescales for the ongoing occupation of the former HQ building can be confirmed.

2. Objectives and expected outcomes

Fabric defects/remedial solutions – proposed approach

- 2.1 To understand the scope and cost of any remedial solutions in resolving the concrete derogation, a three-stage approach has been commenced by the LFB Property department's main technical contractor, with a hold point/review at the end of each stage to agree further actions. A range of intrusive surveys are planned to accurately confirm the extent of remedial works required. The technical contractor will also lead engagement with Historic England to understand any limitations and/or requirements on any of the concrete and other remedial works required.

- 2.2 The funding proposal to support delivery of identified remedial works, which are currently unfunded within the capital programme, has been the subject of discussion by lead officers within the Property and Finance departments, resulting in the following proposal.
- 2.3 In 2020, the LFC authorised a capital budget for the refurbishment of Lambeth River Station (report LFC-0379) (financial information is included in Part 2 of this report). Since that time, LFB's Major Capital Projects team has demonstrated there is significant operational, financial and reputational risk attached to removing the river station pontoon to a dry dock, and to using a temporary pontoon and Lambeth Fire Station to accommodate Lambeth River Station crews, as had been proposed. Despite two procurement exercises, the project board has been unable to appoint a delivery partner for this project, due to the limited market depth and availability for this bespoke asset.
- 2.4 A dive survey in February 2022 has confirmed that Lambeth River Station can be maintained and enhanced to achieve many of the project initiation document objectives in situ for a reduced capital budget commitment. Adopting this route would extend the useful life of Lambeth river station for a minimum of five years. As a result, the Lambeth River Station project board agreed a change of scope for this project at its last meeting, in February 2022.
- 2.5 Looking ahead, the current Lambeth river station project has committed to use the design work to date to provide a cost estimate for a new river station, based on a standardised modular build that would be significantly easier to repair and maintain than the current design. Once the final design and delivery timing of the new Lambeth fire station within the 8 Albert Embankment redevelopment design is known, this will enable LFB to consider whether funding would be sought for a new river station; or whether river station crews could be accommodated successfully within Lambeth fire station as part of a revised operational delivery model.
- 2.6 In summary, the expenditure required, as detailed in Part 2, will:
- prevent continued harm and assure LFB's obligations in maintaining the Grade II-listed building
 - protect operational delivery and invest in LFB's key objective to re-provide a new Lambeth Fire Station and LFB Museum as part of 8 Albert Embankment redevelopment.

3. Equality comments

- 3.1 The Deputy Mayor for Fire and Resilience is required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when making 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 This report is requesting agreement on a capital funding strategy to support remedial works required for this LFC freehold site earmarked for redevelopment. An updated Equality Impact Assessment will be undertaken for any changes to the museum and station design and specification should revisions to the development agreement be achieved. These will be covered in detail once a viable proposal is available for governance decision.

4.1 Other considerations

Workforce comments

- 4.1 There is ongoing workforce consultation with operational officers to protect operational delivery from this site and improve workplace conditions. In addition, the Borough Commander and Station Commander continue to engage with local Fire Brigades Union representatives to update on the project impacts and how the crews can best be supported.

Sustainability comments

- 4.2 This report notes the unviable economic position in replacing the current gas boiler with a sustainable electric solution system, in consideration of the LFB target for net-zero at a site due for redevelopment. This is due to the extensive system replacement that would be required throughout the building.
- 4.3 It should be noted that an aim of the longer-term redevelopment of the 8 Albert Embankment site is to remove any reliance on gas, and deliver a sustainable energy provision within the revised scheme. On the temporary decant of Lambeth Fire Station, as part of the redevelopment programme, the replacement boiler will be removed to support fallback arrangements to fire stations across the estate ahead of carbon net-zero delivery.

Procurement comments

- 4.4 Part 2 of the report details the requirement for capital expenditure to determine the scope of works and cost of remedial works to repair fabric defects in line with Historic England requirements. This professional service is being provided by Tetra Tech, LFB's contracted technical advisers, and any resulting specification for agreed remedial works will be competitively tendered in accordance with the LFB Scheme of Governance Part 3 Standing Orders relating to Procurement. Where possible this will include a combination of current contracts; specific collaborative contracts once the precise requirements have been identified; or a selection of appropriate contractors using LFB's E-tendering portal.

Conflicts of interest

- 4.5 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 the capital investment to rectify fabric defects within former LFB HQ at 8 Albert Embankment. The financial impact of this work and required maintenance is set out in Part 2 of this report.
- 5.2 There are no direct financial implications for the GLA.

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 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 Fire and Resilience (the Deputy Mayor).

- 6.3 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...”.
- 6.4 The statutory basis for the actions proposed in this report is provided by section 5A of the Fire and Rescue Services Act 2004, under which the LFC, being a “relevant authority”, may do “anything it considers appropriate for the purposes of the carrying out of any of its functions”.
- 6.5 The proposed procurement routes for the discussed in this report are compliant with the Public Contracts Regulations 2015.
- 6.6 These comments have been adopted from those provided by the LFC’s General Counsel Department in report LFC-0690 to the LFC.

Appendices and supporting papers:

Report LFC-0690 – 8 Albert Embankment/Lambeth Fire Station Condition – Investment and Maintenance

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 – YES

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

A summary of this decision was reviewed by the Corporate Investment Board on (insert date) .

✓

EXECUTIVE DIRECTOR, RESOURCES: Signed by Luke Webster on behalf of David Gallie

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

Signature



Date

21/6/22