

GREATER LONDON AUTHORITY

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD36

Title: Resilience of the London Fire Brigade Fleet

Executive Summary:

Report LFC-0175y to the London Fire Commissioner seeks approval to place an order through the Commissioner's Vehicles and Equipment contract with Babcock Emergency Services for six four-wheel-drive low-emission utility vehicles at a cost not exceeding £237,000 in the 2019/20 financial year.

The Commissioner's Board have considered and recommended the proposal to the Commissioner, who has indicated in-principle support pending prior consent to spend from the Deputy Mayor. The Deputy Mayor for Fire and Resilience also considered the proposals to the Commissioner in report FRB-0052 at her Fire and Resilience Board on 12 June 2019 and indicated her in-principle support.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner for prior approval of the Deputy Mayor for Fire to be obtained before any decision is made to commit to expenditure (capital or revenue) of £150,000 or above, as identified in accordance with normal accounting practices.

Decision:

The Deputy Mayor for Fire and Resilience approves the placement of an order through the London Fire Commissioner's Vehicles and Equipment contract with Babcock Emergency Services for six, four-wheel-drive low-emission utility vehicles at a cost not exceeding £237,000, in line with report LFC-0175y to the Commissioner.

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:

10/10/19

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

Decision required – supporting report

1. Introduction and background

- 1.1. London Fire Brigade (LFB) Assistant Commissioners, Deputy Commissioners and the Commissioner provide 24/7 Gold and Brigade Manager operational cover. This provision is for the strategic management for operational incidents and national response, including for counter-terrorism matters; significant weather events such as wide-area flooding; and incidents of national importance by providing advice to national and London Government, emergency services partners, and other fire and rescue services.
- 1.2. There is a need to provide a four-wheel drive capability for lower-level officers and crews in periods of extreme weather or at incidents with difficult ground access. However, the current fleet provision lacks sufficient resilience to guarantee this availability. Report LFC-0175y proposes the addition of six, four-wheel-drive utility vehicles in order to make provision for an identified gap in provision in support of command arrangements.
- 1.3. The Deputy Mayor's approval is accordingly required for the London Fire Commissioner to approve the expenditure of up to £237,000 to place orders with Babcock Emergency Services for the procurement of six, four-wheel-drive utility vehicles.

2. Objectives and expected outcomes

- 2.1. Report LFC-0175y to the London Fire Commissioner proposes the delivery of six four-wheel drive low-emission utility vehicles to supplement the London Fire Brigade fleet.
- 2.2. Nationally, selected strategic fire and rescue managers facilitate the National Co-ordination and Advisory Framework (NCAF) which governs the national resilience arrangements for major incidents. London Fire Brigade's Assistant Commissioners, Deputy Commissioners and Commissioner are members of the National Strategic Advisory Team (NSAT), making them available to provide specialist advice on a range of matters in the event of a major incident. The London Fire Commissioner is the national lead for counter-terrorism. London Brigade Managers also provide the first line of advice and support to the Cabinet Office Briefing Room (COBR) arrangements in the absence, or at the request, of the Chair of the National Fire Chiefs Council.
- 2.3. In terms of strategic command, Brigade Managers (the Deputy Commissioners and Commissioner) may need to attend very large-scale operational incidents or, more likely, have to attend Brigade Headquarters to take charge of the Commissioner's Group as part of the LFB strategic command arrangements.
- 2.4. The Commissioner's Group currently only has two vehicles. There have been a number of occasions where provision was strained, requiring strategic managers to take cars from the Technical and Service Support department and the senior managers' fleet to maintain operational cover. For example, the Commissioner's Group have so far in 2019 needed additional cars from these departments on six separate and sometimes concurrent occasions. The total time of these additional cars collectively being used by the Commissioner's Group was already in excess of two months, just four months into the year.
- 2.5. In recent years, there have been a number of incidents managed by the LFB during periods of extreme weather or in other circumstances where a need for four-wheel drive vehicles has been identified. These incidents include during periods of heavy snow or flooding; UK-based Urban Search and Rescue (USAR) operations and International Search and Rescue (ISAR) operations; wildfires on heathland;

wooded areas and in off-road locations that can be difficult to access in conventional vehicles built for road-use only. Attendance at these types of incidents may be in London or in the provision of mutual aid to neighbours or even nationally in periods of extreme strain. Calls for mutual aid to the north of England have been received during wildfires in 2018 and 2019, for example.

- 2.6. The LFB's current Integrated Risk Management Plan (IRMP), the London Safety Plan, specifically states *"The Brigade needs to be resilient – so that it has appropriate arrangements in place to respond to emergencies, and can maintain its core service provision."* The Fire Services Act 2004 also places a statutory duty on us to both respond and provide a service. The procurement of these new vehicles will ensure that LFB are better able to deliver on these requirements, especially at a strategic level.

3. Equality comments

- 3.1. The Public Sector Equality Duty applies both to the Greater London Authority and the London Fire Brigade when they make decisions. The duty requires them to have regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 3.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 3.3. The equality impact assessment (EIA) performed for this proposal indicates that the proposals in this report will not have a disproportionately adverse effect on any persons with a particular characteristic. This conclusion is based on the Output Based Specification (OBS) being written with the end-users' needs in mind. Therefore, the EIA determined that these vehicles will be able to be operated by all staff in that user group, irrespective of whether or not they have a protected characteristic.
- 3.4. In addition, the Emergency Services Vehicles and Equipment contract with Babcock Emergency Services requires Babcock and any sub-contractor they may engage, to conform to equality legislation and LFB equalities protocol. Babcock also assess all of their providers approach to equality and diversity and ensure they are satisfied that they meet appropriate protocols, prior to them listing those companies as approved providers. There is an appropriate approach to the above duty under the Equalities Act right through the supply chain in respect of this procurement.

4. Other considerations

Funding source

- 4.1. The London Freemasons Metropolitan Grand Lodge is currently raising funds for the LFB procurement of two extended reach Turntable Ladders (TLs) and some of the associated equipment for the LFB aerial appliance fleet. This fundraising is being done via the London Freemasons Metropolitan Grand Lodge charitable arm, a registered charity called the London Freemasons Charity (registered charity 1081205, formerly known as the Metropolitan Masonic Charity). This was a commitment made after the Grenfell Tower fire. They have subsequently informed the Brigade that they anticipate securing

their target fundraising sum, which exceeds the cost of the TLs. This capital funding is available to the Brigade to fund this supplement to the Brigade's fleet.

- 4.2. LFB livery and branding relating to the Freemasons' charity on London Fire Brigade's vehicles that may be used by strategic officers has been considered. Strategic officers do not utilise liveried vehicles due to security reasons. London Fire Brigade vehicles do not usually include third-party sponsorship branding. Therefore, new arrangements have subsequently been agreed by the Commissioner's office. These arrangements consist of three of the six vehicles being fully liveried and placed into areas where they will not be used by any officer of the level of Deputy Assistant Commissioner or above. The remaining three non-liveried vehicles will have magnetic livery applied to each side door. The livery will be removed if the need arises for the vehicles to be used for any purpose by officers of the level of Deputy Assistant Commissioner or above

Workforce

- 4.3. Any discussion with the trade unions on new equipment, and new training requirements, generally takes place in the health and safety arena. However, as the recommendation is to procure six additional standard vehicles, there is no requirement for formal staff-side consultation.
- 4.4. It is known that the Fire Brigades Union (FBU) are opposed to the Brigade accepting sponsorship from the Freemasons, and to Masonic logos and signage appearing on Brigade vehicles, as they registered an objection to this in 2018 over the aerial appliances referred to in LFC-0175y. Appropriate communications has taken place with the FBU to ensure they are briefed and aware of the proposals.

Sustainability

- 4.5. It is proposed that the six resilience fleet vehicles will not only be four-wheel drive, but will also be zero-emission capable, in order to contribute towards ensuring clean air for London and meeting both current and future emissions regulations.
- 4.6. These vehicles will be blue light response vehicles and will be used as a resilience fleet for use by designated strategic operational officers for specialist mobilising. All six vehicles are intended to be of graphite grey or silver colour.
- 4.7. The three vehicles that will go out for service will have full LFB livery, including the Commissioner's crest on the front doors and the Freemasons' square and compass logo and "Donated by London Freemasons" signage on both of the rear passenger doors – a condition of the funding. The remaining three vehicles will not have livery but will instead have magnetic crests for the front doors and magnetic Masonic logos for the rear doors. None of the six vehicles will have radios or roof light bars, but all will have covert blue lighting.

Procurement

- 4.8. LFB has outsourced its procurement activities for vehicles and equipment to a third party, Babcock Emergency Services. Under the terms of the Vehicles and Equipment contract with Babcock, Babcock contracts as principal with any supplier. Procurements under the contract are carried out pursuant to the Public Contracts Regulations 2015 as applicable, with advice and consent from LFB.
- 4.9. An output-based specification (OBS) is being submitted to Babcock. Babcock will be expected to procure appropriate vehicles to meet the needs of the OBS at best value. They will be expected to achieve this via the existing protocols of the vehicles and equipment contract LFB has with them. The LFB Vehicles and Equipment Contract will therefore provide the means of procurement of the vehicles upon receipt of consent to spend the available capital funds.

5. Financial comments

- 5.1. LFC-0175y to the London Fire Commissioner requests authority to purchase six four-wheel-drive utility vehicles at a total cost not exceeding £237,000 in the 2019/20 financial year, which is to be funded from a charitable donation from the charitable arm of the London Freemasons Metropolitan Grand Lodge. There will be additional costs in respect of the running and maintenance of the vehicles which is expected to cost £13,836 per annum and this is not covered within the existing budgets. The management of this pressure will be considered within the ongoing 2020/21 budget process.
- 5.2. Paragraph 4.2 addresses adding branding relating to the Freemasons' charity to the vehicles. This had the potential to raise VAT considerations, however the funding agreement will be between the Commissioner and the Freemasons' charity, addressing this consideration as an exemption exists in the VAT Act for the supply of advertising to a charity, the supply of advertising to a charity is 'zero rated'.
- 5.3. Although public funds are not being used to purchase these vehicles, approval for this proposal still needs to be undertaken within the Brigade's governance framework. The costs of the proposals will be met by the funding made available to the Commissioner; no further funding from the Greater London Authority is required.

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 2.1(b) of the London Fire Commissioner's Governance Direction 2018 requires prior approval of the Deputy Mayor for Fire to be obtained before any decision is made to commit to expenditure (capital or revenue) of £150k or above, as identified in accordance with normal accounting practices.
- 6.4. The Deputy Mayor's approval is accordingly required for the London Fire Commissioner to approve the expenditure of up to £237,000 to place orders with Babcock Emergency Services for the six new vehicles.
- 6.5. The statutory basis for the actions proposed in this report is provided by section 7 (2)(a) of the Fire and Rescue Services Act 2004, under which the Commissioner must secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting.
- 6.6. Furthermore, under section 7 (2)(b) of the aforementioned Act the Commissioner must secure the provision of training for personnel.
- 6.7. The Commissioner's General Counsel confirmed the proposed procurement under the vehicles and equipment contract with Babcock Emergency Services is within the scope of services provided under that contract and is in compliance with the Public Contracts Regulations 2015.
- 6.8. In taking the decisions requested, the Deputy Mayor 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 and foster good relations 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 (section 149 of the Equality Act 2010). To this end, the Deputy Mayor should have particular regard to section 3 (above) of this report.

- 6.9. The Deputy Mayor can approve the expenditure of £237,000 to place orders with Babcock Emergency Services for the six new vehicles in principle. However it is noted that it is anticipated that this will be funded by a charitable donation from the London Freemasons Metropolitan Grand Lodge which is subject to funding conditions. The Deputy Mayor's approval will therefore be subject to the London Fire Brigade obtaining a contractual commitment to such funding and such expenditure is in compliance with the funding conditions.

Appendices and supporting papers:

Appendix A: LFC-0175y – 'Resilience of the London Fire Brigade Vehicle Fleet'.

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? YES**

If YES, for what reason: To protect the commercial interests of the London Fire Commissioner during the period prior to the placement of the orders for the vehicles.

Until what date: 1 December 2019

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

Andrew Nathan has drafted this report with input from the LFC and in accordance with GLA procedures and confirms the following:

✓

Assistant Director/Head of Service

Tom Middleton 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 7 October 2019.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

M. D. Allen

Date

7.10.19

