

## REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD74

### Title: Biggin Hill Fire Station – New Appliance Bay

#### Executive Summary:

This decision seeks approval from the Deputy Mayor for Fire and Resilience for the London Fire Commissioner to construct a new appliance bay at Biggin Hill Fire Station at an estimated cost of £573,000, including a contingency of 15%.

There have been a number of accidents linked to the restricted access in the appliance bays at Biggin Hill Fire Station. One accident has resulted in a personal injury claim against the former London Fire and Emergency Planning Authority. The appended report LFC-0238y explains that the proposal is a significantly value engineered outcome of the original proposal, which was earlier considered by the London Fire Brigade (LFB). The LFB's Property Department have deemed this option to be the most cost-effective way of removing the health and safety hazards to LFB operational staff, which currently exist.

The proposed procurement route for the construction element is to use the Greater London Authority (GLA) Group of frameworks open to the LFB.

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:

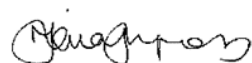
That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to incur capital expenditure of up to £573,000 for a new appliance bay at Biggin Hill Fire Station.

#### 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 August 2020

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

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1 Report LFC-0283y to the London Fire Commissioner sets out the background for the request to incur expenditure for the new appliance bay at Biggin Hill Fire Station.
- 1.2 Biggin Hill Fire Station features on the London Fire Brigade (LFB) Property's Asset Management Plan (AMP) March 2017 as a Priority 3 station for improvement (Priority 1 being the highest), with a status of 'Replace' defined as 'relocate to an alternative site if one is available, if not rebuild on the same site'. The two-bay station has accommodation issues, however the crucial and most pressing issue is the width and length of the appliance bays used by the pumping appliance. The 4x4 Land Rover also located at the station is not subject to the same concerns associated with the pumping appliance.
- 1.3 Health and safety issues related to the appliance bay have been raised on a number of occasions by the station-based crews. The Assistant Commissioner for Fire Stations has requested an urgent review of the issue and for a solution to be implemented.
- 1.4 The LFB has considered various options, with the proposal to construct a new appliance bay at Biggin Hill Fire Station considered the best solution, following a value engineering exercise to minimise cost. The alternative options that were considered were a collaborative model with Biggin Hill Airport Fire Service and siting a prefabricated building sited to the side or rear of Biggin Hill Fire Station; the reasons these were discounted are detailed in report LFC-0283y (paragraphs 5-8).

#### **2. Objectives and expected outcomes**

##### *Proposed Refurbishment – Outline Benefits*

- 2.1 The resolution of the health and safety risks will be delivered by the provision of a new appliance bay that will be constructed adjacent to the existing fire station. The new appliance bay will ensure that the appliance can be reversed into the bay without the risk of injury to personnel as the width and length of the new bay will be greater than the existing bays. A comprehensive overview on how the proposed solution addresses the current issues is contained within an updated feasibility and cost plan report. A high-level diagrammatic summary of the resolutions can be referenced in Appendix 1 to report LFC-0283y, with further supporting drawings at Appendix 2 to that report.
- 2.2 Due to the constraints of the site width, the dimension of 6.5 metres for a new appliance bay as recommended in the Standard Station Design Brief (SSDB) cannot be achieved. However, the proposed width of 5 metres is greater than the current bays and does remove the current health and safety risks when mounting, dismounting and working around the appliance. The new appliance bay will be accessible via the existing station, creating a structure that works with the existing building providing improved operational efficiencies. The Land Rover will remain in situ in one of the existing bays, this vehicle is much smaller than the appliance and therefore does not pose any health and safety concerns.
- 2.3 The proposed new appliance bay has been designed to complement the integrity and appearance (from the front elevation) of the existing station. Unlike the existing appliance bays, the new bay will have access doors front and back, therefore allowing the appliance access into the yard. The new bay will be set back from the existing building line to reduce the impact and any right to light claim from the neighbouring property. This will not have a dramatic effect in terms of any loss in parking, due to the positioning of the new bay, which will occupy the access drive into the yard.

- 2.4 The current proposal will not provide rear access for the appliance to access the proposed new appliance bay. Biggin Hill Fire Station backs onto a local authority park area which has a small maintenance road passing the rear of the fire station, which is not suitable for fire appliances.
- 2.5 A licence to provide access for LFB staff to use the rear road to access the yard is agreed in principle with the local authority, but will require further clarification with the London Borough of Bromley. Finalising the licence is subject to satisfying the terms of an existing lease which also provides use of the park's maintenance road to a leisure centre. Pending agreement of the licence, the maintenance road could only be used for LFB staff vehicles only.
- 2.6 Having a rear access licence in place will support operational readiness, especially at change of watch, as crews will not have to keep moving the appliance from the new appliance bay to access/park in the rear yard. However, rear access is not essential to support the recommended solution and will be provided if terms can be agreed at negligible cost. The Station Commander is aware the likely outcome of the recommended option will incur the necessity to park the appliance on the existing forecourt in front of the station at change of watch.

#### *Project Management and Procurement*

- 2.7 A consultant was appointed using the Multi Disciplinary Consultancy (MDC) framework to undertake a feasibility study, design, cost and project management services to deliver the construction of a new appliance bay for Biggin Hill Fire Station. Subject to agreement to the expenditure, Fulkers Bailey Russell consultancy will be instructed to ensure the works are delivered in accordance with the specification standard through to handover and post completion.
- 2.8 The proposed procurement route for the construction element will be to complete an open, competitive tender via one of the GLA Frameworks available to the LFB. The works will be tendered in accordance with the Commissioner's Code of Practice on Tenders and Contracts. Fulkers Bailey Russell will recommend the appointment of the most economically advantageous tenderer to carry out the works complying with LFC Standing Orders Relating to Procurement rules. The refurbishment is below the OJEU works threshold of £4,733,252, negating the need to conduct an OJEU procurement process.
- 2.9 The selection of the successful tenderer will be based on a process that evaluates both the cost and quality of contractor's tenders. The ratio to be applied to this process will be 60% cost evaluation and 40% quality evaluation. This process and ratio is suitable for major building contracts to ensure best value is achieved through the careful assessment of not only tender cost, but also the contractors financial and insurance status and their services in relation to use of resources, skills and experience, quality control, health and safety and environmental processes.
- 2.10 As part of the LFC's statutory duty under the Police and Crime Act 2017 and the London Safety Plan 2017 principle of collaboration, heads of estates for blue light services liaise regularly with a remit to review opportunities for improved efficiency and effectiveness across respective estates. The provision of the new appliance bay will only create space solely for operational needs and therefore limit any possibility for collaboration in respect of vehicle turnout.

#### *Projected Capital Costs*

- 2.11 The total estimated cost arising from the revised feasibility and value engineering exercise is £498,000 including all consultancy fees, planning fees, construction costs and staff costs and is included in the capital budget 2020/21 and 2021/22. The costs at this stage are based on pre-tender estimates and firm quotes for the construction element will not be received until the Royal Institute of British Architects (RIBA) Stage 4 is completed. The RIBA stages is a structured work plan that organises the process of briefing, designing, constructing and operating building projects into 8 stages and explains the stage outcomes, core tasks and information exchanges required at each stage. RIBA Stage 4 could be seen as having two distinct aspects which include:

- refinement and completion of the technical design required for manufacturing and construction; and
- the procurement process of preparing and release of tender documentation and subsequent evaluation and award of the construction contract.

- 2.12 Stage 4 includes that tender stage of the project, where the all of the project documents will be compiled into a tender pack and uploaded via a selected framework for the nominated companies to provide their individual tenders
- 2.13 It is recommended that a contingency of 15% of the total estimated cost is added to the budget for this project. The identified contingency within the project will enable the project to overcome uplifts in cost experienced in the tender process, as well as any unforeseen risks or delays to the project due to market fluctuations and any unforeseen impacts of Brexit and associated supply chain elements.
- 2.14 Should the total costs provided in Table 1 exceed an agreed tolerance of 15%, a revalue engineering exercise would be applied to establish if the cost could be reduced within the tolerance approved, prior to award of the contract. If this exercise was unsuccessful the works will be subject to further approval.

**Table 1 – Projected pre-tender capital costs**

Description	Cost (£'000)	Description
Feasibility	18	Full feasibility including surveys and pre-app (sunk cost) including additional reports.
Statutory / planning fees	7	All associated fees related to statutory consent (building control, asbestos, party wall agreements) and planning application fees.
Construction costs	386	Costs to construct a new appliance bay adjacent to the existing fire station (including prelims, overheads and profits at 20% plus 10% contingency).
Consultant Fees	60	All associated consultancy fees, including any expert advice & compensation that may result from a right to light claim from the adjoining property.
LFB Staff costs (7%)	27	7% of the original pre-tender estimate of the total sum of building works
Total	498	

#### *Outline Programme*

- 2.15 The following key milestones are based on the Deputy Mayor giving approval to the expenditure and London Fire Commissioner having taken a decision by August 2020. Dates provided are indicative at this point as the timeline will be subject to review throughout the design stages.
- 2.16 Currently, the programme for the provision of the new appliance bay does depend upon approval of the planning application that will be submitted to Bromley during the detailed design stage of the works. A pre-planning application was submitted to Bromley in October 2019 to gauge the local

authority's response on the proposed new appliance bay to the side of the fire station. The overall response was positive and perceived risks are highlighted later in this report.

- 2.17 The fire station will remain fully operational throughout the life of the project, however there will be a reduced capacity in the rear yard during construction to provide required contractor welfare facilities and storage of materials and equipment. Effective working relationships will be formed between the principle contractor, Station Commander, station-based crews and LFB's Client Side Project Manager to ensure minimal disruption throughout the duration of the project.

**Table 2 – Programme Milestones**

03/08/2020	LFC/Deputy Mayor decision expected to secure capital funding
10/08/2020	Purchase Order issued to Fulkers Bailey Russell to proceed to full design and tender
31/08/2020	Planning application submitted
20/11/2020	Planning application decision date
30/11/2020	Full design and tender pack uploaded onto Blue Light
21/12/2020	Tender period
04/01/2021	Tender evaluation
18/01/2021	Contract Award
1/02/2021	15-week construction period commences
14/05/2021	Practical completion and Handover
17/05/2021	Occupation for fire crews

#### *Risk and Dependencies*

- 2.18 A major risk is obtaining planning permission in order to progress the recommended option of the new appliance bay. A pre-application process with the council formed part of the feasibility and has provided some indication of whether planning permission is achievable.
- 2.19 Although the pre-application outcomes were largely positive regarding the investment in Biggin Hill Fire Station, LB Bromley highlighted potential concerns as follows:
- the proposed new bay structure would project approximately 7.8m beyond the rear extension of the neighbouring property, which may be considered to have an unacceptable visual impact;
  - the proposed bay would have a significant height of 4.4m;
  - the proposal would result in a tall and significant expanse of wall close to the common boundary with the neighbouring property which may be considered to have an unacceptable visual impact on this neighbouring property;
  - the proposed new bay may result in a harmful level of overshadowing given the depth and height of the development and may impact upon the level of sunlight received to the rear windows of the neighbouring dwelling and its rear amenity space; and

- in terms of noise and disturbance, the proposed appliance bay would be situated in closer proximity to the neighbouring property than the existing appliance bays. However, at this stage Environmental Health department have not objected to the proposal in this regard.

- 2.20 To reduce the impact on the neighbouring property and support a more favourable planning application in response to the pre-application comments, consultation with the LFB Health and Safety department has been undertaken to reduce the length and height of the proposed bay. Following a site visit in December 2019 by LFB Health and Safety and Property departments, Health and Safety confirmed at this stage they would be happy to agree a reduction in length of the appliance bay to 12 metres. This would be a reduction of three metres from the 15-metre length as detailed in the pre-application submission. LFB Health and Safety also confirmed that they would agree to a reduced height of 3.6 metres, which is the approximate height of the existing appliance bay. Should approval be granted to proceed to technical design, Health and Safety will be further consulted during this stage.
- 2.21 The design changes in line with the pre-application advice have been reviewed and the size of the bay in terms of height and length has been reduced accordingly and in line with LFB Health and Safety guidance. LFB Strategy and Risk officers have advised that Biggin Hill will retain a standard Mercedes Series 3 appliance for the foreseeable future. Therefore, provided the proposed new bay has sufficient space to safely support required working practices for this type of appliance, a bespoke reduction to the SSDB guidelines has been agreed to achieve planning permission.
- 2.22 Now that the design changes reducing the impacts on the neighbouring property have been agreed, this should fulfil Policy 37 of the Bromley Local Plan, which seeks to protect residential occupiers from inappropriate developments.
- 2.23 Bromley Council has agreed in principle to issue a licence to the LFB for the unrestricted use of the access road at the rear of Biggin Hill Fire Station (subject to further negotiation with other leaseholders). Any licence secured will reserve the right for LB Bromley to terminate at one month's notice. LFB's request for a more secure easement for access was refused.

### **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 equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse effect on any persons with a particular characteristic. The new appliance bay will remove the Health and Safety concerns that are currently present with the existing bays, therefore creating a safer environment for all.

#### **4. Other considerations**

##### *Workforce comments*

- 4.1 The workforce implications of the provision of the additional appliance bay supports a positive outcome for staff as benefits will be realised by a safer place to work with reduced risks to staff due to a larger and improved facility.
- 4.2 Site meetings in 2019 with officers from the LFB Property, working alongside the Station Commander for Biggin Hill Fire Station, agreed design proposals for the provision of an additional appliance bay to support the feasibility process. Since then the project manager has continued to take opportunities to keep the Station Commander updated on progress and engage with crews on questions surrounding the proposed addition.
- 4.3 The Fire Brigades Union is represented on future Major Works Capital Boards. Wider representative body consultation will be sought as part of the LFC governance and representation will be invited at project board level.

##### *Sustainability implications*

- 4.4 The project will be administered in alignment with sustainability policies. Details on the scope of how this project impacts on those policies is located within the full LFB's Sustainable Development Impact Assessment (SDIA) completed for these works.

- 4.5 A registration with Construction Line (a pre-qualification scheme for UK-based construction companies) would be a requirement for all tendering companies which includes checks to ensure all companies are compliant with the Modern Slavery Act. The minimum requirements set by Construction Line are:
- All UK workers receive minimum wage and robust immigration checks. Further checks have also been made to ensure that the preferred bidder pays the London Living Wage and appropriate conditions will be included in the contract in line with LFC policy.
  - Map supply chains to identify where the highest risk and exposure to modern slavery exists; undertake site inspections; provide training to local employees and local suppliers and other initiatives to manage modern slavery risks.
- 4.6 The preferred bidder will ideally be a small/medium sized enterprise (SME).

## **5. Financial comments**

- 5.1 This decision seeks approval for capital expenditure of up to £573,000 to construct a new appliance bay at Biggin Hill Fire Station. This total is based on an estimated cost for the project of £498,000 and contingency of £75,000, based on 15% of the estimated cost of the project.
- 5.2 The total budget included in the capital programme for this scheme is currently £700,000, £400,000 in 2020/21 and £300,000 in 2021/22. The pre-tender cost estimate therefore results in a budget saving of £127,000 after taking into account the 15% contingency.
- 5.3 If this is funded from external borrowing and based on a useful life of 60 years, the annual debt charges will be £27,000, including £10,000 for the repayment of borrowing and £17,000 in interest payments at a projected rate of 3%.

## **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...".
- 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"). Under section 7(2)(a) of 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 The Commissioner's General Counsel also notes that the proposed service will be procured in compliance with the Public Contracts Regulations 2015 and the Commissioner's Scheme of Governance.



**Appendices and supporting papers:**

Report LFC-0238y – Biggin Hill Fire Station – New Appliance Bay

**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: The commercial interests of the London Fire Commissioner require deferral of the decision until after the cooling off period for the contract award has expired.

Until what date: 1 November 2021

**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 10 August 2020.

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**

(pp. Martin Mitchell)

**Date**

10 August 2020