

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD63

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

Executive Summary:

As a consequence of the risks posed by COVID-19 there is a requirement for enhanced cleaning across the London Fire Brigade estate.

Report LFC-0338 to the London Fire Commissioner seeks delegated authority to the Assistant Director, Property to procure additional cleaning for 26 weeks, at a cost of up to £36,400 per week or £1,088,000 in total, including a 15 per cent tolerance for potential further on-demand deep cleaning at stations where particular risk in relation to COVID-19 is detected. This period has been identified as in line with the advice of the government Deputy Chief Medical Officer.

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 approves expenditure of up to £1,088,000 for the purpose of increased cleaning provision for the London Fire Brigade operational estate in response to the COVID-19 pandemic as set in report LFC-0338 to the London Fire 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:

03/04/2020

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

Decision required – supporting report

1. Introduction and background

- 1.1. Since March 2020 there has been a requirement to increase the quantity of cleaning across the London Fire Brigade (LFB) operational estate to provide cleaning hours every weekday and weekend. This is an important part of the LFB response to the COVID-19 pandemic and the health and safety of the operational workforce. The total value of this is £36.4k per week (see Appendix 1 for full details). The contract rates for cleaning have been applied except in the Private Finance Initiative (PFI) estate where an additional subcontractor is needed to deliver this service on a bespoke rate.
- 1.2. Facilities management services are currently provided to LFB under an integrator model by KBR. KBR uses blanket orders and once the LFB have made a payment, it then cannot amend the value or duration of the purchase order. Payment has been made on an emergency basis for one month (until 20 April 2020). Any continuation beyond this period exceeds the £150K threshold set out in the Mayoral Directions 2018, and therefore requires the prior approval of the Deputy Mayor for Fire and Resilience. Any notice to terminate the arrangement in order not to exceed the financial limit must be given by 6 April 2020 and accordingly an urgent decision is required. The current cleaning contract is due to expire at the end of this period.

2. Objectives and expected outcomes

- 2.1. It is proposed that Assistant Director, Property arrange for a further five months' worth of cleaning which would be arranged as a single purchase order. The total for 26 weeks is £946k. This period has been identified as in line with the advice of the government Deputy Chief Medical Officer. Any extension to this term would require a further approval. The contract change control notice includes a two week notice to cancel the additional cleaning if the full additional term is not required.
- 2.2. In order to cover the possible requirement for targeted deep cleans to be undertaken—in response to specific risk in relation to COVID-19 at specific stations during this period—a 15% margin is requested in addition to the £946k above (£142k).

3. Equality comments

- 3.1. The Public Sector Equality Duty applies to the London Fire Commissioner when they make decisions. The duty requires the LFC to have due regard to the need to:
 - a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act.
 - 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 proposals in this report will not have a disproportionately adverse effect on any persons with a particular characteristic.

4. Financial comments

- 4.1. The report recommends that delegated authority is provided to increase the cleaning provision across the LFB operational estate, at an estimated cost of £36.4k per week for a period of up to 26 weeks. A 15% margin is also requested which results in total requested spend of £1,088k. No funding has been included for this in the 2020/21 budget report, and the impact of any spending on this area will be reported on as part of the regular financial position reporting.
- 4.2. There are no further financial implications for the Greater London Authority.

5. Legal comments

- 5.1. 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.
- 5.2. 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").
- 5.3. 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 extend the cleaning contract beyond the current provision of one month will exceed this threshold and accordingly Deputy Mayor prior approval is required.
- 5.4. 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.
- 5.5. The proposed services will be procured in compliance with the Public Contracts Regulations 2015 (PCR), and the Commissioner's Scheme of Governance; the PCRs allow bodies to vary existing contracts (for example to cover the current need for additional cleaning services) where such changes do not exceed 50% of the original contract price. Those thresholds are being adhered to by the proposal to extend the services as set out in report LFC-0338 to the Commissioner.

Appendices and supporting papers:

LFC-0338 – *'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? YES**

If YES, for what reason: Report LFC-0338 to the London Fire Commissioner includes information that includes information that is commercially sensitive until after the award of Facilities Management Soft Services proposed under report LFC-0308 to the London Fire Commissioner.

Until what date: 1 September 2020

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

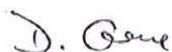
This decision was made outside the usual decisions process, with the agreement of the Chief of Staff, and will be noted by the Corporate Investment Board on 6 April 2020.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date



3 April 2020