



LONDON FIRE BRIGADE

Report title

Extension of Cleaning Provision across the London Fire Brigade Estate

Report to

Corporate Services Directorate Board
Commissioner's Board
Deputy Mayor's Fire and Resilience Board
London Fire Commissioner

Date

7 December 2021
14 December 2021
18 January 2022

Report classification:

For Decision

The subject matter of this report deals with the following LFB strategic priorities:

The best people and the best place to work

This report addresses the strategic priority of the best people and the best place to work by ensuring the provision of a COVID SECURE working environment.

Report number – LFC-0642

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DECISION-MAKER

Executive Summary

As a consequence of the serious health risks posed by COVID-19 there is a continued requirement for enhanced cleaning across the London Fire Brigade estate. This paper seeks a commitment of expenditure and delegated authority to the Assistant Director, Procurement and Commercial to agree a variation to the relevant service contracts to provide the enhanced cleaning needed across the estate for a further 52 weeks (from 18 March 2022) in accordance with COVID SECURE

guidelines for the workplace. The enhanced cleaning requirement was previously reported, and an increased spend agreed by the Deputy Mayor (LFC-0338, LFC-0395 and LFC-0471z).

For the Deputy Mayor

That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit revenue expenditure of up to the amount set out in the Part 2 report for the purposes of enhanced cleaning in response to the pandemic.

This LFC decision will only be taken after further consultation with the Greater London Authority's finance and legal advisers and Corporate Investment Board.

For the London Fire Commissioner

That the London Fire Commissioner agrees the commitment of revenue expenditure to be funded from the COVID reserve and

That the London Fire Commissioner agrees to delegate authority to the Assistant Director Procurement and Commercial to approve the variation to the relevant service contracts to allow the continuation of the enhanced cleaning provision across the estate for an approximate further 52 weeks from 18 March 2022.

1. Introduction and background
 - 1.1 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.
 - 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 estate. This covers the estate wide soft services contract and the Private Finance Initiative (PFI) contract that delivers cleaning to the PFI 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 LFC-0338 secured approval for an additional spend for this enhanced cleaning for a period of 26 weeks that ended on 18 September 2020. Further reports were submitted to secure approval for the enhanced cleaning up to 18 March 2022 (LFC-0338, LFC-0395 and LFC-0471z). The pandemic is an emerging situation which has required arrangements to be closely monitored and regularly reviewed in response to the current risk level.
 - 1.4 The Brigade's Health & Safety department has confirmed the enhanced cleaning is still anticipated to be required beyond March 2022. The COVID SECURE guidelines for workplaces have not yet changed and cleaning is still a critical control measure within them.

This is particularly important on 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 seeks approval for further spend on the enhanced cleaning needed for an approximate additional 52 weeks as it is now clear that the pandemic will long continue into 2022. In the event that COVID SECURE guidelines are relaxed and the risk level has reduced the Brigade will seek to return to the previous levels of cleaning.

1.5 The following actions are in place to enable delivery of these enhanced services for a further 52 weeks:

- PFI contract – this contract provides cleaning services to the PFI stations within the estate and the variation of the contract to provide enhanced cleaning will continue.
- Soft Services Contract – this contract provides cleaning services for the rest of the estate and the variation of the contract to provide enhanced cleaning will continue.

1.6 The contracts have provisions for variations for change in service requirements which require agreement between both parties. The variations to the service contracts include the Brigade's ability to cancel the enhanced cleaning provision with a four-week notice period. This will be utilised to cease the enhanced cleaning if advice from Public Health England confirms the risk has reduced, COVID SECURE guidance is amended and enhanced cleaning is no longer required.

1.7 The pandemic is a changing situation and further developments may be seen in the next twelve months which could impact on this service requirement. This report is therefore only requesting approval for an approximate further 52 weeks at this stage. The requirement for enhanced cleaning will be continually reviewed and amended at the appropriate time in line with Government guidelines.

1.8 Alternative options for this service requirement have been considered.

1.9 The PFI contract provides for all maintenance services for those stations and it is not commercially viable to procure these services from another provider. The option of varying the existing contract to provide the enhanced level of cleaning is therefore the only solution available.

1.10 The option of procuring these enhanced services for the rest of the estate as a new contract or seeking a separate collaboration opportunity was considered but would not offer best value. The soft services contract for the estate was procured in 2020 using the CCS framework and includes competitive rates for cleaning services. There are synergies with the general cleaning services delivered for the estate and the Brigade benefits from these in the delivery of the enhanced cleaning. The specification for the soft services contract includes the option to vary cleaning services in response to an increased risk from the pandemic and the current supplier has arrangements in place to deliver this efficiently.

2. Objectives and expected outcomes

2.1 The objective of this report and the request for funding for enhanced cleaning services is to provide a safe working environment for staff during the pandemic. This service supports the

delivery of emergency services and is a key control measure in the Brigade's response to the pandemic. The enhanced cleaning aims to reduce the spread of COVID-19 within Brigade premises and provide COVID SECURE working environments.

3. Equality comments

- 3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 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:
 - 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 The proposals in this report will not have a disproportionately adverse effect on any persons with a particular characteristic. The enhanced cleaning is protective of all staff, but is particularly important for vulnerable staff, who may have a disability and/or long-term medical condition that makes them more vulnerable to the disease. This is also important for older staff, who are more vulnerable to the disease. As such cleaning has a disproportionately positive impact on these groups.

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. Representative bodies have been consulted on the COVID-19 risk assessments and have agreed with the principles of this enhanced cleaning.

Sustainability comments

4.2 The contracts for cleaning across the estate were procured with requirements for responsible procurement and sustainability.

Procurement comments

4.3 The services were tendered in accordance with the London Fire Commissioner's scheme of governance (part 3 standing orders relating to procurement). The proposed variations in contracts as described can be made compliantly in accordance with the Public Contract Regulations 2015, paragraph 72 (8). Procurement Services have confirmed that in accordance with regulation 72(8) the proposed variation or modifications in each of the above contracts is not a substantial change requiring a new contract to be let, in that it is: not materially different from the service currently needed; there is no introduction of any new conditions that would have changed the outcome of the initial tender ; it does not change to the economic balance of the contract in favour of the supplier in a manner not provided for in the contract ; there has been no change to the initial scope of the contract and; there is no change to the contractor.

5. Financial comments

5.1 The report recommends that delegated authority is provided to continue the increased cleaning provision across the LFB estate. The cost for this enhanced cleaning provision will be met from the COVID reserve.

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 £150,000), 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 Procurement and Commercial. The proposed recommendation for the London Fire Commissioner to delegate authority to the Assistant Director of Procurement 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 report above refers. The report 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 so substantial requiring a new procurement to be conducted, and that regulation 72 of the Public Contract Regulations 2015 is relied upon.

List of Appendices

Appendix	Title	Open or confidential
1.	None	