

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2743

Title: Lateral Flow Testing Centre Provision for north-east London's COVID-19 Response

Executive Summary:

The Greater London Authority (GLA), as the strategic authority for London, is an integral part of the London COVID-19 pandemic response alongside local authorities, the NHS, Public Health England and the Government, to ensure that London has in place the mechanisms to slow the spread of the virus and to save the lives of Londoners.

The Strategic Coordination Group (SCG), London Resilience Group and the north-east London boroughs have asked the GLA for assistance in securing resources, on an urgent basis, to support the set-up and operation of a number of temporary Lateral Flow Testing Centres which are being constructed in each of the eight north-east London boroughs. These testing centres will support mass testing of asymptomatic Londoners within these boroughs as a key strategy to attempt to slow the rate of growth of COVID cases in the area.

This decision form requests approval for expenditure of up to £4.8 million to establish Lateral Flow Testing Centres, beginning with one site in each of the eight boroughs. The full cost of this work will be recouped from the eight London boroughs who have all confirmed £400k funding per month from the Department for Health and Social Care, as per appendix A. The proposed expenditure of up to £4.8 million by the GLA is based on a six-week commitment by the boroughs. If further budget allocation is made by the Department for Health and Social Care, the GLA may be asked by the north-east London boroughs to procure further services, this will be subject to a further Decision.

Decision:

That the Mayor approves:

- 1) expenditure of up to £4.8 million towards the operational costs incurred by Loud Sound Limited associated with the running of Lateral Flow Testing Centres across the eight boroughs of north-east London, pending the full costs of these works being recouped.
- 2) a single-source exemption from the requirement of the GLA's Contracts and Funding Code for the GLA to enter into a contract, without competitive tender, with Loud Sound Limited to scope and deliver Lateral Flow Testing Centres, on the basis that urgent action is needed and Loud Sound Limited is able to mobilise in the extremely short timeframes required; and
- 3) retrospective approval of two emergency payments to Loud Sound Limited made by the Executive Director of Resources of £150,000 + VAT and £730,963.33 + VAT pending this Decision to ensure that these Lateral Flow Testing Centres could be established quickly.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:

Date: 23/12/2020



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

Decision required – supporting report

1. Introduction and background

- 1.1 London is currently at the forefront of the UK's response to the COVID-19 pandemic and the Greater London Authority (GLA), as the strategic authority for London, is an integral part of the London response alongside local authorities, the NHS, Public Health England and the Government, to ensure that London has in place the mechanisms to slow the spread of the virus and to save the lives of Londoners.
- 1.2 On Thursday 10 December 2020, London Resilience Group¹, contacted the GLA on behalf of the Chief Executives of LB Redbridge and LB Havering to ask the GLA for assistance in securing resources, on an urgent basis, to support the set-up and operation of Lateral Flow Testing Centres in eight north-east London boroughs for a period of up to three months commencing 18 December 2020, noting that under the current plans funding is available for a six-week operation but given the fast-moving nature of the pandemic situation, this may change. These testing centres will support mass testing of asymptomatic Londoners within these boroughs as a key strategy to attempt to slow the rate of growth of COVID cases in the area and need to commence immediately to be effective.
- 1.3 The GLA was contacted given our experience in establishing mortuary hubs in the first wave of the pandemic and the GLA's experience in working with event production companies who are best able to provide significant levels of resources and who have significant experience in pulling together large-scale events/operations in short timeframes.
- 1.4 Given their experience in setting up and running the mortuary hubs, we contacted Loud Sound Limited (who operate under the name Hub Logistics for COVID-19 response work). They have confirmed that they anticipate that they are able to meet the needs specified, noting that at the time of writing, these requirements were still be developed and understood. Their experience in running large-scale entertainment events on behalf of major entertainment companies like AEG means that they have access to significant resources and infrastructure.
- 1.5 As a result of this, on Thursday 10 December 2020, London Resilience Group, requested that the GLA engage and contract with Loud Sound to support the planning, delivery and operation of Lateral Flow Testing Centres in eight locations in north-east London, and, as necessary, provide similar support for further locations identified (subject to the availability of Loud Sound resources and budget).
- 1.6 The GLA was asked to contract with Loud Sound directly as no single London Borough in the region was comfortable procuring this separately and given the GLA has good working relationship with Hub Logistics and is able to activate a contract at speed, given the first Lateral Flow Testing Centres needed to be activated within a week of the first meeting. A single contract across eight boroughs is also more practical, timely and will enable economies of scale to be achieved when compared to each borough contracting independently.
- 1.7 Loud Sound are not on any GLA or Transport for London procurement frameworks, and as such, will be single-sourced to deliver this work.
- 1.8 Section 9 of the GLA's Contracts and Funding Code requires that goods and services over £25,000 are procured competitively. However, Section 10 of the Code sets out the circumstances in which such a single-source exemption may be sought. These include urgency, defined as satisfying the definition of urgent through an unforeseen event such as flood, fire or civil unrest. As set out in this decision

¹ London Resilience Group coordinates institutions and communities to prevent, handle, recover and learn from disruption, and adapt to change; on behalf of the Mayor of London, Greater London Authority, Local Authorities and London Fire Brigade to ensure London survives and prospers

form, we consider this single sourcing of Loud Sound meets the criteria for urgency and this Decision Form requests an exemption from the requirement in the Code to procure competitively.

- 1.9 Approval is being sought for expenditure of up to £4.8 million to support north-east London's Lateral Flow Testing Centres. The full cost of this work will be recouped from the eight London boroughs who have all confirmed £400k funding per month from the Department for Health and Social Care, as per appendix A. This is based on a six-week commitment. If further budget allocation is made by the Department for Health and Social Care, the GLA may be asked by the north-east London boroughs to procure further services. This will be subject to a further Decision.
- 1.10 The Ministry of Defence (MoD) is assisting with the scoping of venues, but at the time of writing, no military resources have been committed to setting up and operating the centres.

2. Objectives and expected outcomes

- 2.1 At the time of writing, commitment has been made to set up Lateral Flow Testing Centres: one small, one medium and one Mobile Testing Unit in each of the north-east London boroughs including Barking & Dagenham, City of London, Hackney, Havering, Newham, Redbridge, Tower Hamlets and Waltham Forest. Further sites may also be required within these boroughs. It could also be necessary to roll out this model to other London areas. Additional services exceeding the allocated £4.8 million would be subject to a further Decision.
- 2.2 Work is currently underway to determine the exact scope of works required. At the time of writing this is expected to include:

Scope of work	Further detail
Project management	<ul style="list-style-type: none">• Overall management of the sites
Management	<ul style="list-style-type: none">• Site management• Logistics management
Training	<ul style="list-style-type: none">• In accordance with NHS Standard Operating Procedures for Lateral Flow Testing Centres
Personnel	<ul style="list-style-type: none">• Carrying out testing• Reporting & Administration
Facilities	<ul style="list-style-type: none">• Communications equipment – IT, printing• Signage• Furniture/other equipment• Barriers/fencing
Crowd Management	<ul style="list-style-type: none">• Crowd management• Traffic management
Staff welfare	

- 2.3 The GLA will support Loud Sound with reporting progress to the collective of North East London boroughs, known as the North East London Sub-regional COVID Response (NELSCR), particularly in the early stages of mobilisation. The GLA (alongside a nominated borough representative) will also provide tactical and communications support to Loud Sound as necessary.
- 2.4 The GLA will also closely monitor all expenditure associated with this contract.

3. Equality comments

- 3.1 Under Section 149 of the Equality Act 2010, as a public authority, the Mayor of London must have 'due regard' of the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity between people who have a protected characteristic and those who do not. Accessibility issues will be considered as part of the planning of each Lateral Flow Testing Centre.

4. Other considerations

Risks

- 4.1. The key risks and mitigations are set out in the table below.

Risk	Mitigation
Insufficient resources available from the London Boroughs hosting the Lateral Flow Testing Centres to support the operation and its administration	London Boroughs will be made aware of the minimum requirements to support the Lateral Flow Testing Centres. Loud Sound can top-up administrative resources if required
Resources become difficult to obtain due to sickness of staff and the seasonal time of year	Resource contingency plans are in place. Full health and safety plans are in place to ensure there is no additional risk to those working on site
Locations identified are not suitable	Loud Sound to work closely with MoD/London Boroughs during the location scoping activity
Management of clinical waste will need to be considered	Loud Sound to work closely with Public Health England/London Borough staff to ensure appropriate mechanisms are in place
Reputational risk of operational error at a testing site	Loud Sound, the GLA and the London Boroughs to work closely to ensure all appropriate processes are in place
Risk of overdemand with incorrect communication to London Borough residents	Loud Sound to work closely with London Boroughs to ensure communication plans are correct to the scale of centres capacity

Links to Mayoral strategies and priorities

- 4.2. This work links to the Mayor's responsibilities under the Civil Contingencies Act.

Consultation

- 4.3. The Deputy Mayor for Fire and Resilience, the Mayor's Chief of Staff and the GLA's Chief Officer have been consulted on this proposal. This proposal has also been discussed with the Strategic Coordination Group chaired by John Barradell. Chief Executives of all eight boroughs are also consulted on the proposal, and have confirmed their support (Appendix A).

Conflicts of interest

- 4.4. The drafting officers have no known conflicts of interest.

5. Financial comments

- 5.1. This decision requests approval of expenditure of up to £4.8 million to support the operating costs of Lateral Flow Testing Centres in London required because of the COVID-19 pandemic.
- 5.2. The costs will be incurred by the GLA, before they will be recouped from the eight local boroughs who have confirmed Government funding as detailed in Appendix A.
- 5.3. Formal confirmation from the Government has been provided that costs will be reimbursed or covered by other bodies. The Executive Director of Resources, in consultation with the Chief of Staff, has the power to stop or limit funding dependent on the actual rate of spend and progress with confirming that the expenditure is covered by the Coronavirus Act or otherwise.
- 5.4. An emergency payment was authorised by the Executive Director of Resources of £150,000 + VAT to ensure the Lateral Flow Testing Centres were established quickly. A second payment was made on 21 December 2020 of £730,963.33 + VAT towards the costs associated with this contract. Retrospective approval is sought for these payments.
- 5.5. The GLA would not be liable for any costs over the committed £4.8 million which will be paid by London boroughs who have all confirmed £400k funding per month (for a six-week commitment) from the Department for Health and Social Care. This is because either the Executive Director of Resources can halt any proposed expenditure over the £4.8m or the Government and / or Boroughs will commit to meet any costs above this limit.

6. Legal comments

- 6.1 The GLA is a Category 1 Responder under the Civil Contingencies Act 2004 (“CCA”). Other Category 1 Responders include local authorities, the Metropolitan Police Service, the London Fire Brigade, NHS primary care trusts, and the Environment Agency. Section 2 of the CCA requires a Category 1 Responder to maintain plans for the purpose of ensuring that if an emergency occurs it is able to perform its functions so far as necessary or desirable for the purpose of preventing the emergency, reducing, controlling or mitigating its effects, or taking other action in connection with it.
- 6.2 There is a general duty upon Category 1 and 2 Responders to co-operate with each other in the performance of their duties under Section 2 of the CCA.
- 6.3 Under section 30(1) of the Greater London Authority Act 1999 (as amended) (GLA Act), the Mayor may do anything which he considers will further one or more of the principal purposes of the Authority of promoting economic development and wealth creation, social development, or the improvement of the environment in Greater London. The allocation of funding proposed in this Mayoral Decision falls within one or more of the GLA’s principal purposes and is not precluded by any of the limitations contained in section 31 of the GLA Act.
- 6.4 In order to exercise the power under section 30 of the GLA Act, the Mayor must consider as appropriate various matters contained in section 30(3-11); none of which are relevant to proposed decision. The Mayor must also consult with the bodies listed in section 32(2) of the GLA Act, if he considers this appropriate. The report above demonstrates that the Mayor is consulting as appropriate.
- 6.5 Under section 34(1) of the GLA Act, the Mayor may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of any functions of the Authority.
- 6.6 Part C of the Contracts and Funding Code (the ‘Code’) requires the GLA to seek a call-off from a suitable framework, where possible, or if not, undertake a formal tender process which will be managed by TfL in respect of the services. However, the Mayor may approve an exemption from this requirement from paragraph 10, Part C of the Code upon certain specified grounds. One of those

grounds is that the approve of the exemption if such services are required in urgent and unforeseen circumstances. Officers have indicated at paragraph 1 of this report that this ground applies due to the urgent need to undertake these actions in relation to the coronavirus pandemic. On this basis the Mayor may approve the proposed exemption if satisfied with the content of this report.

- 6.7 Officers must ensure that the appropriate contract documents are put in place and executed by Loud Sound Limited and the GLA as soon as possible.
- 6.8 Section 86(1)(c) of the Coronavirus Act 2020 provides that there is to be paid out of money provided by Parliament expenditure which is incurred by a public authority in connection with the making of payments, or the giving of financial assistance to a person (whether directly or indirectly), as a result of coronavirus or coronavirus disease. The GLA's expenditure and proposed expenditure under this Mayoral Decision is likely to qualify as money that is to be paid out of money provided by Parliament.

7. Planned delivery approach and next steps

Activity	Timeline
First site in each borough live	18 Dec 2020 – 19 Dec 2020
Second site in each borough live	4- 7 Jan 2021 (TBC)
Further site considerations	Ongoing
Operation ceases	29 January 2021, if not extended

- 7.1 The project may continue beyond six weeks if Lateral Testing as a response to COVID-19 is still required in the north east London boroughs. For this extension, the relevant boroughs would need to be in agreement with sufficient funding in place to continue.

Appendices and supporting papers:

Appendix A – Confirmation of funding from NELSCR

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) 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 it has been approved 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 MD needs to be deferred until the detailed operational planning across each site within the eight boroughs is completed and the resulting commercial implications are agreed. A full financial statement will be compiled at the end of the contract term and agreed with the relevant boroughs. This MD should be deferred until this exercise is complete.

Until what date: For review on 30/06/2021 and may require further deferment.

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included 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:

Emma Strain has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Niran Mothada has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Fiona Twycross has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

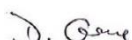
Corporate Investment Board

The principle of this decision was noted by the Corporate Investment Board on 21 December 2020 but the urgent nature and timing of the decision meant it was not possible for it to be considered in full.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date: 23 December 2020

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature



Date: 23 December 2020



16th December 2020

Mary Harpley, GLA Chief Officer;
David Bellamy, Mayor's Chief of Staff;
Fiona Twycross, Deputy Mayor for Fire and
Resilience

c.c.: all North East London borough CEs
Emma Strain
James Fitzgerald
Megan Life
Natalia Proctor
Elaine Greenway

Andrew Blake-Herbert
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Sent via email

Good afternoon Mary, David and Fiona,

Subject: Lateral flow testing activation

I am writing on behalf of the London Boroughs of Barking and Dagenham, Hackney, Havering, Newham, Redbridge, Tower Hamlets, Waltham Forest and the City of London which collectively make up North East London. We are now in a position to confirm the finances for the procurement of the event company that the GLA has kindly offered to commission for the roll out of lateral flow testing this week.

Additional resources to support the lateral flow mass community testing have now been approved by central government. I have engaged with each of my Chief Executive colleagues from the NE Boroughs, copied in, and we are all now able to provide agreement that we will underwrite the costs for our boroughs. This agreement is based on an estimate of £400k per borough per month over the next six weeks – although actual costs per borough will vary depending on the number and size of sites needed in each borough. We trust this gives you the financial comfort to trigger the procurement process so as we are ready to mobilise as quickly as possible in NE London.

I acknowledge the urgent need for detail around the scope of the commission and the sites that will be required. Our teams will be working on this early next week and will aim to confirm arrangements as soon as possible. The initial ambition is to have one site operational per borough this week. I acknowledge that the detailed scope of the commission and the requirements for each site will have a bearing on how much can be provided within the £400k per borough budget identified above.

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrew Blake-Herbert", written over a white background.

Andrew Blake-Herbert
Chief Executive

Cleaner, Safer, Prouder Together