

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2448

Title: London Fire Commissioner- Statement of Assurance 2017/18

Executive Summary:

The London Fire Commissioner is required to prepare an annual Statement of Assurance in accordance with the Fire and Rescue National Framework for England.

Under the new governance arrangements for fire introduced by the 2017 Policing and Crime Act, the London Fire Commissioner is also required to send a copy of their Statement to the Assembly and then the Mayor for comment. The Statement may not be published until both parties have had the opportunity to comment.

The Statement has been considered by the Assembly's Fire, Resilience and Emergency Planning Committee, which received and noted it and referred it onto the Mayor. The Mayor's approval is now requested.

Decision:

That the Mayor:

Approves the London Fire Commissioner's annual Statement of Assurance for 2017/18, noting that this will constitute notification to the London Fire Commissioner that it may now be published.

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:

25/3/17

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

Decision required – supporting report

1. Introduction and background

- 1.1 The London Fire Commissioner is required to prepare an annual Statement of Assurance in accordance with the Fire and Rescue National Framework for England. The Statement provides assurance to communities and government on financial, governance and operational matters. Guidance from the Ministry of Housing, Communities and Local Government governs what is published in the document.
- 1.2 A copy of the 2017/18 Statement of Assurance is attached at Appendix A. During the period covered, 1 April 2017 to 31 March 2018, the now former London Fire and Emergency Planning Authority was the body responsible for providing such assurance that Brigade business was conducted in accordance with the law and appropriate standards. However, since 1 April 2018, this responsibility is now held by the London Fire Commissioner (LFC).
- 1.3 The new governance arrangements for fire under the 2017 Policing and Crime Act came into effect on 1 April 2018. Section 327G of the GLA Act 1999 (as amended by the Policing and Crime Act) states that any document prepared in accordance with the above Framework, and which sets out the Commissioner's priorities and objectives or contains a statement of the way in which the Commissioner has had regard to the Framework, must be sent in draft to the Mayor and Assembly prior to it being published.
- 1.4 The sequence is that the Assembly must have the opportunity to review the draft document or revision and make a report on it to the Mayor, then the Mayor will need to approve the draft document or revision.
- 1.5 This 2017/18 Statement of Assurance was considered by the Fire, Resilience and Emergency Planning Committee of the London Assembly at its meeting on 31 January 2019. It received and noted the Statement and agreed that this form the recommendation to the Mayor in accordance with the requirement set out in the Act (Appendix B). As a result, the Mayor's approval is now requested.
- 1.6 The LFC Governance Direction of 2018, which sets out the matters which require the prior approval of the Mayor or the Deputy Mayor for Fire, requires the latter to be consulted as far as practicable before a decision on matters which require the consent of the Mayor under that direction. The Deputy Mayor for Fire has been engaged throughout this process and on 13 November 2018 LFB officers presented a draft to the Deputy Mayor at her Fire and Resilience Board. Subsequently, she also attended, with the Commissioner, the meeting of the Assembly's Fire, Resilience and Emergency Planning Committee on 31 January 2019. The Deputy Mayor for Fire recommends that the Mayor approve it.

2. Objectives and expected outcomes

- 2.1 The purpose of the Statement of Assurance is to provide assurance on financial, governance and operational matters, and show how the LFB have had regard to the expectations in their integrated risk management plan, and to the requirements included in the Fire and Rescue National Framework for England. A specific section relating to the Grenfell Tower fire has been included. In addition, detailed performance data has also been included in the report, over and above the basic requirements of the Framework.
- 2.2 The approval process for the document contributes towards the democratic remit the Mayor and Assembly have over the way the LFC exercises its functions.

3. Equality comments

- 3.1. The Statement of Assurance is a reflection of the elements that make up the Brigade's governance framework. Equality and diversity formed part of the assurance gathering processes which supported the production of the statement. The statement describes the LFB's systems of internal control and specifically refers to this encompassing 'providing adherence to the Authority's values and ethical standards through the application of the leadership model and equality framework'. Significant elements of the framework which have the potential to impact on those with protected characteristics and enable the Brigade to foster good relations in the community, are subject to an equality analysis, to ensure that any impacts as a result of Brigade proposals are identified, assessed and mitigated where possible, in line with Brigade policy which seeks to embed consideration of equality and diversity at all levels within the service.
- 3.2. In particular, the Statement of Assurance is closely aligned to the London Safety Plan, which was subject to a full equality impact analysis to comply with the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. This analysis was reported to the former London Fire and Emergency Planning Authority when they considered the Plan in March 2017. The analysis considered the anticipated impact of specific proposals on people who shared protected characteristics with supporting evidence, details of consultation and proposed actions to mitigate any negative impact.
- 3.3. LFB has provided assurances that when the approved Statement is published on the web, accessible formats will be available as required.

4. Other considerations

- 4.1. Risk Management: The Statement of Assurance sets out how the LFB takes a risk-based approach to support the priorities in the London Safety Plan.

5. Financial comments

- 5.1 There are no direct financial implications to the GLA arising from this decision.

6. Legal comments

- 6.1 Under section 9 of the Policing and Crime Act 2017 (the 2017 Act) the London Fire and Emergency Planning Authority (LFEPA) was abolished and the functions of the LFEPA were (subject to the 2017 Act) transferred to the London Fire Commissioner (the Commissioner).
- 6.2 The Commissioner is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the Greater London Authority Act 1999 (the GLA Act), as amended by the 2017 Act, 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.
- 6.3 Under section 327D of the GLA Act, the Mayor may arrange for the Deputy Mayor for Fire to exercise any function of the Mayor relating to fire and rescue.
- 6.4 Section 1 of the Fire and Rescue Services Act 2004 (the 2004 Act) states that the Commissioner is the fire and rescue authority for Greater London. When carrying out its functions, the Commissioner, as the fire and rescue authority for Greater London, is required to 'have regard to the Fire and Rescue National Framework (the Framework) prepared by the Secretary of State' (s21 of the 2004 Act).
- 6.5 The Framework states that 'fire and rescue authorities must publish an annual Statement of Assurance' and that 'each fire and rescue authority is expected to sign off their statement'.
- 6.6 The attached statement functions as the authority's Statement of Assurance under the Framework.

6.7 Section 327G of the Greater London Authority Act 1999 provides:

- "1) This section applies to a document which is prepared and published by the London Fire Commissioner in accordance with the Fire and Rescue National Framework and which—
- (a) Sets out the Commissioner's priorities and objectives, for the period covered by the document, in connection with the discharge of the Commissioner's functions, or
 - (b) Contains a statement of the way in which the Commissioner has had regard, in the period covered by the document, to the Framework and to any document within paragraph (a) prepared by the Commissioner for that period.
- (2) The Commissioner must, before publishing the document or any revision to it, send a copy of the document or revision in draft to the Mayor and the Assembly.
- (3) The Commissioner may not publish the document or any revision to it unless—
- (a) The Assembly has had an opportunity to review the draft document or revision, and make a report on it to the Mayor, under section 327I(1), and
 - (b) The Mayor has approved the draft document or revision.
- ..."

- 6.8 By a direction dated 21 March 2018 appended to MD 2260, 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 (the Deputy Mayor). Paragraph 1.1 (b) of that direction requires the Commissioner to seek the prior approval of the Mayor before "Approval of the final proposed text of the draft London Safety Plan (or any revision of it) for the purposes of sending it to the Assembly under section 327G (2) of the GLA Act 1999". Paragraph 6.1 (b) states that "London Safety Plan" refers to any document which is prepared and published by the Commissioner in accordance with the Fire and Rescue National Framework and which contains the matters described in section 327G(1)(a) and/ or (b) of the GLA Act 1999."Paragraph 3.1 of the direction requires the Commissioner to consult the Deputy Mayor "as far as practicable in the circumstances before a decision on any of the following is taken: a. Anything that requires the consent of the Mayor under Part 1 of this Direction; b. Anything that requires the consent of the Mayor under any enactment..."
- 6.9 Consequently, the Mayoral Direction requires the Commissioner to consult the Deputy Mayor, as far as practicably possible, in advance of seeking the Mayor's approval to send the Statement of Assurance to the Assembly. The Commissioner may not then publish the final Statement of Assurance before the Assembly has had an opportunity to review the draft document or revision and make a report on it to the Mayor, and the Mayor has approved the draft or revision.
- 6.10 It appears from section 1 of this decision form that the Commissioner has sent a copy of their Statement to the Assembly, that the Assembly's Fire, Resilience and Emergency Planning Committee has considered it, and that it is now being referred to the Mayor, with a recommendation of approval from the Deputy Mayor for Fire.
- 6.11 Under section 149 (and Schedule 19) of the Equality Act 2010, as public authorities, the GLA (including the Mayor) and LFC are subject to the public sector equality duty, and must have due regard to the need to (i) eliminate unlawful discrimination, harassment and victimisation; (ii) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and (iii) foster good relations between people who share a relevant protected characteristic and those who do not. Relevant protected characteristics under section 149 of the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Equalities issues are considered at section 3 above.

7. Planned delivery approach and next steps

Activity	Timeline
Formal notification to LFC	March 2019
Publication by LFC of Assurance Statement	By 1 April 2019
Submission of 2018/19 Statement	November 2019

Appendices and supporting papers:

Appendix A – LFB Statement of Assurance 2017/18

Appendix B – Letter from Chairman of London Assembly Fire, Resilience and Emergency Planning Committee to Mayor - 25 February 2019

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? NO

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:

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

✓

Sponsoring Director:

Martin Clarke 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

This decision was agreed by the Corporate Investment Board on the 25 March 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

25.3.19

CHIEF OF STAFF:

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

Signature

D. Bellamy

Date

25/3/2019.