

REQUEST FOR MAYORAL DECISION – MD1517

Title: The Provision of Fire Consultancy Services

Executive summary

The Mayor is seeking through this decision form to enable London Fire Brigade Enterprises Limited to provide fire consultancy support to Qatar in relation to its proposed underground transport system.

Decision

That the Mayor directs LFEPA in relation to the provision of fire consultancy services as at Appendix B to this decision form.

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:

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

Decision required – supporting report

1. The provision of fire consultancy services

Background

- 1.1 At the London Fire and Emergency Planning Authority's (LFEPA) 26 June 2014 meeting, the London Fire Commissioner presented a report setting out the case for establishing an LFEPA trading company. The main purpose of establishing the company was to generate income so as to bolster LFEPA's budget position. A dozen or so other fire and rescue authorities in England have also established a trading company.
- 1.2 LFEPA Members agreed to establish the company and that LFEPA should be the sole shareholder with the directors being the Commissioner and Director of Finance and Contractual Services. The company was subsequently named London Fire Brigade Enterprises Limited.
- 1.3 LFEPA's Director of Finance and Contractual Services presented a paper to LFEPA's 29 January 2015 meeting setting out the company's commercial strategy. The commercial strategy went beyond the guidelines issued by UK Trade & Investment (UKTI) which issues a preferred list of countries for UK based organisations to trade with. The LFEPA criteria for trading through its company are set out in Appendix A to the report which is available via:
<http://moderngov.london-fire.gov.uk/mgconvert2pdf.aspx?id=3789>
- 1.4 One practical consequence of LFEPA Members' adoption of the commercial strategy was that it prevented London Fire Brigade Enterprises Limited from providing fire consultancy support services in support of efforts to build an underground transport system in Qatar, given Qatar's questionable human rights record. This is set out in the January report.
- 1.5 It should be noted that, for the Qatar scheme, Transport for London (TfL) and the Metropolitan Police Service (MPS) will be providing consultancy support for transport and police services respectively. In addition, the scheme has the support of UKTI and HM Ambassador to Qatar.

Issues arising

- 1.6 The Mayor is of the view that London Fire Brigade Enterprises Limited should be able to provide fire consultancy services to Qatar in relation to its proposed underground transport system for the following reasons:
 - There should be a consistent approach across the GLA Group so, given the involvement of the transport and police services, there should be fire service involvement as well;
 - It will bolster LFEPA's budget; and
 - There is not a clear cut argument to say that refusing to trade with a country with a questionable human rights record would result in an improvement to that record.
- 1.7 Accordingly, the Mayor is invited to direct LFEPA, in its capacity as shareholder of its trading company, so as to allow its trading company to provide support to Qatar and, potentially, to other countries which might fall foul of the current commercial strategy.

2. Equality comments

- 2.1 Section 149(1) of the Equality Act 2010 provides that, in the exercise of their functions, public authorities must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2.2 The obligation in section 149(1) is placed upon the Mayor, as decision maker. Due regard must be had at the time a particular decision is being considered. The duty is non-delegable and must be exercised with an open mind.
- 2.3 Taking into account the obligations under section 149(1) of the Equality Act 2010, there are competing arguments as to whether or not trading with countries with poor human rights records serves to improve those records or to legitimise them.
- 2.4 On this occasion, the Mayor takes the view that, on balance, it would be better to have a consistent approach across the GLA Group which would involve the fire service mirroring the approach taken by the transport and police services.

3. Financial comments

- 3.1 Any income generated for LFEPA will bolster its budget position.

4. Legal comments

- 4.1 Under section 328(1) of the Greater London Authority Act 1999 (the GLA Act) the Mayor may issue general and specific directions to LFEPA as to the exercise of its functions.
- 4.2 Section 328A (5) provides that in exercising the power of direction, the Mayor must have regard to each of the following:
- a. The Fire and Rescue National Framework prepared under section 21 of the Fire and Rescue Services Act 2004; and
 - b. The fire safety enforcement guidance under article 26 of the Regulatory Reform (Fire Safety) Order 2005.
- 4.3 Section 328 (4) provides that the Mayor must send a copy of the direction to the Fire Commissioner.

5. Investment & Performance Board

- 5.1 This approval falls outside the terms of reference of the Investment & Performance Board.

Appendices and supporting papers:

Appendix A: Covering letter from the Mayor

Appendix B: Direction to LFEPA.

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? NO

Until what date:

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 – YES

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Tom Middleton has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Tom Middleton has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

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:

Sir Edward Lister has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

CHIEF OF STAFF:

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

Signature

Date