

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD155

Title: Extension of cleaning provision across the London Fire Brigade estate

Executive summary:

This report seeks the approval of the Deputy Mayor for Fire and Resilience for the London Fire Commissioner (LFC) to commit revenue expenditure of up to the amount set out in the Part 2 decision for the purposes of enhanced cleaning in response to the pandemic.

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. The enhanced cleaning requirement was previously reported, and an increased spend agreed by the Deputy Mayor (Deputy Mayor for Fire and Resilience decisions 63, 88 and 108).

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the LFC 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...”.

Decision:

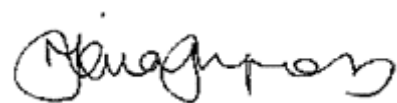
That the Deputy Mayor for Fire and Resilience authorises the LFC to commit expenditure of up to the amount set out in the Part 2 decision, for the purposes of enhanced cleaning in response to the pandemic.

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:

25/4/22

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

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-0642 to the London Fire Commissioner (LFC) sets out the background for the request to approve expenditure for London Fire Brigade (LFB) to provide enhanced cleaning across the LFB estate.
- 1.2 Since March 2020 there has been a requirement to increase the quantity of cleaning provision across the LFB estate, in order to provide cleaning hours every weekday and weekend. This is an important part of LFB's response to the COVID-19 pandemic, and the health and safety of the operational workforce.
- 1.3 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 PFI contract, which commenced in 2013, covers the design, construction and maintenance (including cleaning) of the nine 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.
- 1.4 Deputy Mayor for Fire and Resilience decision (DMFD) 63 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 (DMFD88 and DMFD108). The pandemic is an emerging situation that has required arrangements to be closely monitored, and regularly reviewed, in response to the current risk level.

2. Objectives and expected outcomes

- 2.1 LFB's Health and Safety department has confirmed that a requirement for enhanced cleaning is anticipated 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 in 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 approximately 52 additional weeks, as it is now clear that the pandemic will continue well into 2022. In the event that COVID-secure guidelines are relaxed and the risk level has reduced, LFB will seek to return to the previous levels of cleaning.
- 2.2 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.

- 2.3 The contracts have provisions for variations for change in service requirements which require agreement between both parties. The variations to the service contracts include LFB'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.
- 2.4 The pandemic is a changing situation and further developments may be seen in the next 12 months that 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.
- 2.5 Alternative options for this service requirement have been considered.
- 2.6 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.
- 2.7 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 LFB 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; the current supplier has arrangements in place to deliver this efficiently.

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 and procurement implications

- 4.2 The contracts for cleaning across the estate were procured with requirements for responsible procurement and sustainability. The services were tendered in accordance with the LFC'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). LFB's Procurement Services team have confirmed that in accordance with regulation 72(8), the proposed variation or modifications in each of the above contracts are not a substantial change requiring a new contract to be let. Specifically, it has been confirmed that: the variation 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.

Conflicts of interest

- 4.3 There are no conflicts of interest to declare from those involved in the drafting or clearance of this decision.

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 LFB's COVID reserve.
- 5.2 There are no direct financial implications to the GLA arising from this report.

6. Legal comments

- 6.1 Under section 9 of the Policing and Crime Act 2017, the LFC 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 LFC 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 LFC 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 that direction requires the LFC 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 LFC 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). According to section 7 (2)(a) of the FRSA 2004, the

LFC 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 LFC 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 that: modifications to the contracts (reflecting the increased price due to enhanced cleaning regime as a result of COVID-19) are not considered so substantial as to require a new procurement to be conducted; and regulation 72 of the Public Contract Regulations 2015 is relied upon.

Appendices and supporting papers:

Part 2 of DMFD155

Part 1 of Report LFC-0642

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

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

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

Laura Birnbaum 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 agreed by the Corporate Investment Board on 19 April 2022

✓

EXECUTIVE DIRECTOR, RESOURCES: Anna Casbolt on behalf of David Gallie

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

Signature



Date

19/4/22