



LONDON FIRE BRIGADE

Decision title

Collaboration with the Greater London Authority Group

Recommendation by
General Counsel

Decision Number
LFC-0243y-D

Protective marking: **OFFICIAL - Sensitive**
Publication status: Published with redactions

Summary

The Mayor of London has established a Collaborative Procurement Board as an important feature of his collaboration agenda for the Greater London Authority Group, delivering high-quality and cost-effective services for London. The Board's membership are strategic decision-makers from across the GLA Group, with each required to have the appropriate delegations to facilitate the Board's mission. Further, each member of the GLA Group must establish the appropriate authorities for the Collaborative Procurement Team to act on their behalf.

Decision

The London Fire Commissioner:

1. Agrees to enter into the GLA Group Collaborative Board Working Arrangement Document and to enter into the Second Joint Arrangements Agreement attached as Appendices 1 and 2 to this report.
2. Appoints the Director of Corporate Services as the London Fire Commissioner Representative on the GLA Group Collaborative Procurement Board (CPB), and the Assistant Director Technical and Commercial as the alternate.
3. Delegates authority to the Director of Corporate Services to approve the award of contracts proposed by the CPB, subject to such decisions being taken by the Commissioner in accordance with any relevant Mayoral Direction and in accordance with the scheme of delegation.
4. The Director of Corporate Services be delegated authority to approve the award of contracts proposed by the CPB up to the value of £500,000, decisions over £500,000 are to be taken by the Commissioner.
5. Appoints Transport for London's authorised signatories as the Commissioner's agent and authorised signatory to execute by signature any joint procurement contract to which the

Commissioner is a contracting party and which the Director Corporate Services has approved (in writing) for and on behalf of the Commissioner.

6. Agrees delegations and authorities to the Director Corporate Services contained in this report, can be exercise by the Assistant Director Technical and Commercial when acting as alternate.

Dany Cotton QFSM
London Fire Commissioner



Date 26-09-2019

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LONDON FIRE BRIGADE

Report title

Collaboration with the Greater London Authority Group

Report to
Commissioner's Board
Fire and Resilience Board
London Fire Commissioner

Date
11 September 2019
24 September 2019

Report by
General Counsel

Report number
LFC-0243y

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Summary

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Recommended decisions

The London Fire Commissioner:

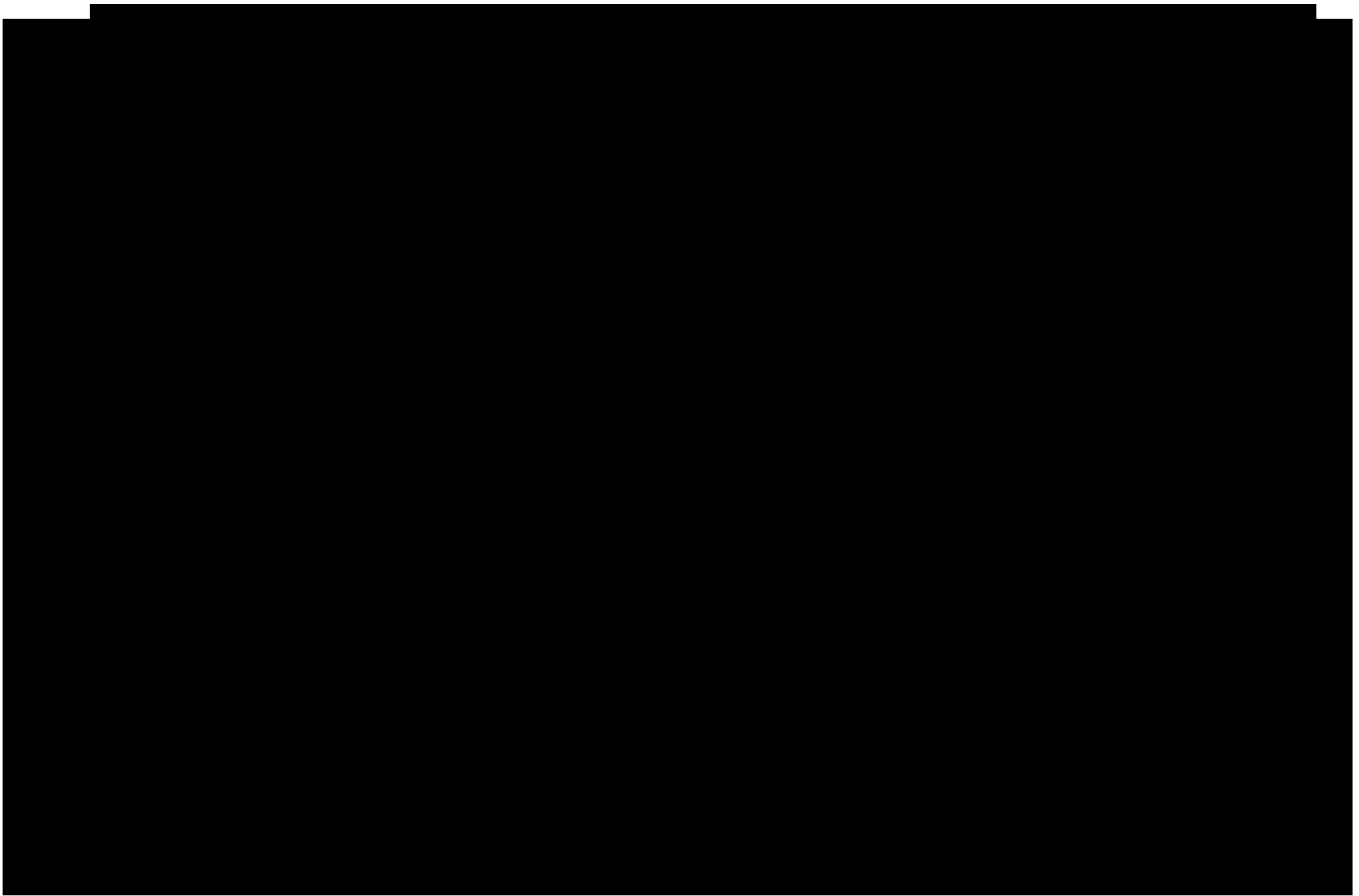
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contract to which the Commissioner is a contracting party and which the Director Corporate Services has approved (in writing) for and on behalf of the Commissioner.

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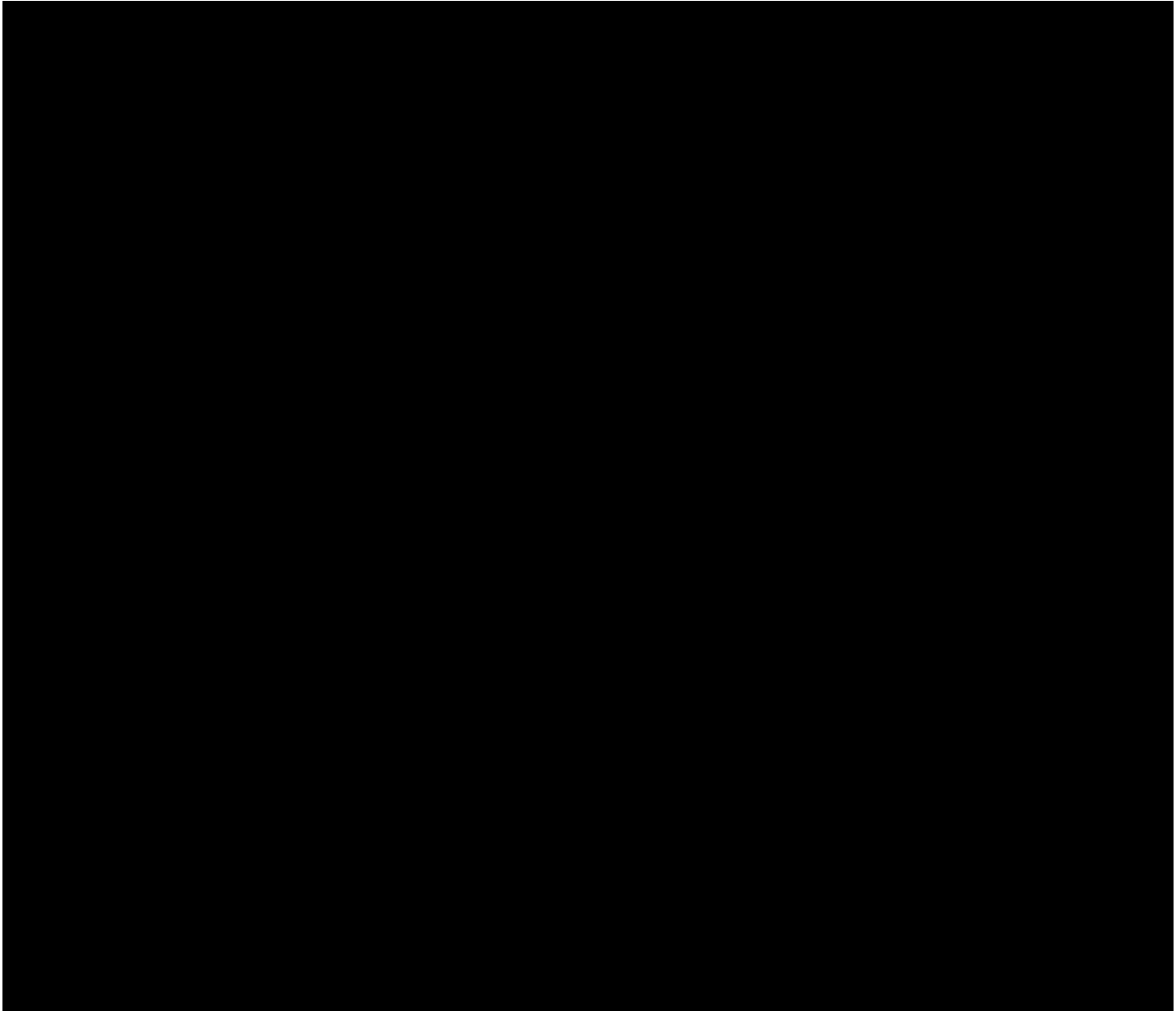
Background

1. The Mayor of London has established a Collaborative Procurement Board (CPB) as an important feature of his collaboration agenda for the Greater London Authority Group (GLA Group), delivering high-quality and cost-effective services for London. To ensure that the CPB can undertake its role properly and realise the purchasing benefits available to the GLA Group fully, its members should have the correct delegations to enable them to take informed and timely decisions on behalf of their organisation. Further, the Collaborative Procurement Team (CPT) should be empowered to act on the GLA Group's behalf in executing those decisions. Without those delegations and authorities, the complexity of the collective governance arrangements of the GLA Group (illustrated below) would cause unacceptable hinderance and delay for the work of the CPB.



Representation for the London Fire Commissioner

2. As of July 2019, the supply categories being discussed by the CPB are listed in Table 1 below. Given the function and focus of the CPB, the Commissioner should be represented by the Director of Corporate Services, with the Assistant Director for Technical and Commercial Services as her named alternate.



3. The parties to the Board have established a Working Arrangement Document (WAD) which is attached as Appendix 1. To fulfil the Board's Terms of References and the WAD, the Director of Corporate Services should receive delegations from the Commissioner to:
 - a) Initiate procurements for any of the agreed Supply Categories, and
 - b) Approve the award of any contract arising from any procurement activities the Commissioner is party to.
4. Under the current Mayor's Directions and the LFC Scheme of Governance, the prior approval of the Deputy Mayor, Fire and Resilience is required for incurring costs of £150,000 and over, followed by a decision by the Commissioner. The Corporate Director

has authority to agree expenditure up to £150,000. In order to expedite and streamline processes it is proposed that the Deputy Mayor's approval be sought to advance in respect of any joint procurement venture via CPB without seeking the authority of the Mayor on each individual contract, and furthermore that if such approval is given, the delegation to the Director Corporate Services be increased in this respect to £500,000 for any decision to incur expenditure on behalf of the LFC. Any decision to incur expenditure above £500,000 would be taken by the Commissioner.

Authority of the Collaborative Procurement Team

5. In order for the CPB's decisions to be executed, it is necessary for the CPT (and, by extension, Transport for London) to have the authority to execute contract awards on behalf of the London Fire Commissioner. Such authority should be executed only upon the written approval of the Director Corporate Services.

Finance comments

6. This report recommends that delegated authority arrangements are approved in relation to the work of the GLA Collaborative Procurement Board. The LFB makes an annual contribution to the cost of the Collaborative Procurement Team, which was for £63k in 2018/19. Any savings for the LFB that are generated by the work of the Board will be considered as part of the budget process for future years.

Workforce comments

7. This report has not been subject to any workforce analysis nor consultation with the representative bodies. However, any report to the Commissioner's Board about individual propositions of the CPB will be subject to all appropriate workforce considerations.

Legal comments

8. 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.
9. Section 1 of the Fire and Rescue Services Act 2004 states that the Commissioner is the fire and rescue authority for Greater London. The Commissioner is also a 'best value' authority under the Local Government Act 1999 and must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
10. Section 401A of the GLA Act 1999 permits the GLA and the functional bodies to provide professional technical and administrative services to one another, or for them to delegate the discharge of such functions between themselves. The Collaborative Procurement Board and Collaborative Procurement Team described in this report falls within the ambit of s401A.
11. The proposed arrangement is consistent with the Commissioner's public procurement obligations under EU procurement directives. Public procurement regulations allow public bodies such as the GLA group and LFC to enter into co-operative arrangements in the

public interest where one provides services to the other on a not for profit basis. In such instances EU public procurement rules are not triggered. It is considered that the proposed arrangement is consistent with European procurement law.

Sustainability implications

12. There are no sustainability implications arising from the report.

Equalities implications

13. The Public Sector Equality Duty (PSED) applies to the London Fire Commissioner when they make decisions. The duty requires them to have regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
14. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
15. There are no equality implications arising from this report. The equality duty will be addressed as part of any individual procurement process undertaken by the

Appendices

1. GLA Collaborative Procurement Board Working Arrangements Document
2. Second Joint Arrangements Agreement for the GLA Collaborative Procurement Board

