



LONDON FIRE BRIGADE

Transfer of London Resilience Group to the Greater London Authority

Report to:	Date:
Service Delivery Board	25 October 2023
Commissioner's Board.....	07 November 2023
Deputy Mayor's Fire and Resilience Board.....	21 November 2023
London Fire Commissioner	

Report by: Toby Gould, Interim Head of London Resilience

Report classification: For decision

For publication

I agree the recommended decision below.



Andy Roe

London Fire Commissioner

Date This decision was remotely signed on 01 December 2023

PART ONE

Non-confidential facts and advice to the decision-maker

Executive Summary

This report details the proposed transfer of the services provided by the London Resilience Group (LRG) on behalf of the Greater London Authority (GLA) and London Local Authorities, from the London Fire Commissioner to the GLA. The intention is for these services to be transferred to the GLA under a Transfer of Undertakings (Protection of Employment) (TUPE) process. The proposed transfer date is 1 April 2024.

Proposed decision – the London Fire Commissioner

That the London Fire Commissioner:

1. Delegates authority to the Deputy Commissioner for Preparedness and Response to approve all subsequent decisions relating to the timing and detail of the transfer of services required to effect the decisions in this report.
2. Delegates authority to the Deputy Commissioner for Preparedness and Response to amend, terminate, novate or make any other necessary changes as required, to effect the decisions set out in this report, to the 2015 Service Level Agreement between the GLA and LFEPA and the 2019 Service Level Agreement between the London Resilience Forum (LRF) Local Authorities' Panel, the LFC, and The City of London Corporation.
3. Delegates authority to the Deputy Commissioner for Preparedness and Response to authorise, if necessary, any matters related to the transfer of staff from the LFC to the GLA.
4. Delegates authority to the Deputy Commissioner for Preparedness and Response to agree and enter into any new protocol or service level agreement with the GLA, any category 1 or category 2 responder under the CCA or any member of the London Resilience Forum as required to effect the proposals in this report.
5. Approves the transfer the resilience services provided by the LFC (discharged by the London Resilience Group) on behalf of the Greater London Authority and London Local Authorities, from the LFC to the GLA.
6. Approves the internal transfer of the COMAH, PSR and REPPIR services discharged by the London Resilience Group on behalf of the LFC to Operational Resilience & Control.

1 Introduction and background

Services provided by the London Resilience Group

1.1 The London Resilience Team (LRT) was transferred from the Greater London Authority (GLA) to the London Fire & Emergency Planning Authority (LFEPA) in January 2015. At that time LRT was merged with the London Fire Brigade Emergency Planning (LFB EP) team. Following a transition period, LRT and LFB EP were fully restructured to form the London Resilience Group (LRG) as a single team within the LFB in June 2016.

1.2 LRG provides services on behalf of the London Fire Commissioner (LFC), the Greater London Authority (GLA), and London Local Authorities as set out below.

- Services on behalf of the London Fire Commissioner include the production, review and testing of emergency plans to fulfil the legislative duties placed on the London Fire Commissioner under three pieces of legislation relating to major accident and industrial hazards:
 - [Control of Major Accident Hazards \(COMAH\) Regulations, 2015](#)
 - [Pipelines Safety Regulations \(PSR\), 1996](#)
 - [Radiation \(Emergency Preparedness and Public Information\) Regulations \(REPIR\), 2019](#)
- Services on behalf of the Greater London Authority as agreed in a Service Level Agreement between the GLA and LFEPA in 2015. These services primarily relate to specific duties on the GLA set out in '[Chapter 9 London](#)' of '[Emergency Preparedness](#)' guidance on part 1 of the Civil Contingencies Act 2004:

'In particular, the GLA:

 - is responsible for the secretariat of the London Resilience Forum;
 - is responsible for producing and maintaining a pan-London risk assessment; and publishing all or part of it in line with regulations; and
 - is responsible for the planning and exercising of pan-London emergency plans.'
- Services on behalf of London local authorities as agreed in a Service Level Agreement between the London Resilience Forum (LRF) Local Authorities' Panel, the LFC, and The City of London Corporation in April 2019. These services primarily relate to pan-London local authority arrangements set out in '[Chapter 9 London](#)' of '[Emergency Preparedness](#)' guidance on part 1 of the Civil Contingencies Act 2004:

'LFEPA will carry out certain emergency planning activities. In particular, LFEPA will support pan-London local authority arrangements:

 - Local authority 'Gold': ... LFEPA will maintain these arrangements, keeping them updated through review and revision.
 - Control centre: ... to support local authority 'Gold', planning will have to be maintained to deliver an effective control centre. ... LFEPA will put in place and maintain these arrangements.
 - Provision of training to support pan-London arrangements: ... This need will be met by training programmes provided on request by LFEPA.

- Provision of exercising of pan-London arrangements: ... LFEPA will design and deliver an annual programme of exercises to test these arrangements. ...'

Review of London's resilience arrangements

- 1.3** Since the formation of LRG in 2016, the resilience functions within the GLA have increased in remit and size. The GLA City Operations Unit was created in 2019 and now comprises the London Situational Awareness Team (LSAT), City Resilience, Community Resilience, and Incident Response services.
- 1.4** Over this period, the role of Local Resilience Forums and approach to civil contingencies in the UK has evolved. There is a greater focus on chronic stresses / longer-term risks and the prevention of emergencies. This change has been observed through new work on city resilience, climate change resilience and adaptation, and in response to longer-duration situations such as preparing for the potential no-deal UK exit from the European Union and responding to the COVID-19 pandemic. These broad contextual changes were formalised in the UK Government Resilience Framework published in December 2022. The Framework set out three core ambitions:
- A shared understanding of the risks we face.
 - A greater emphasis on preparing for and preventing emergencies.
 - The whole of society will play their part in helping our communities be resilient.
- 1.5** In the context of changes set out in 1.3 and 1.4 above, in January 2023, an external review of London's resilience arrangements discharged between LRG and GLA City Operations was commissioned to consider the division of responsibility between the two teams. This review sought to map the current arrangements and make recommendations on a revised structure. Specifically, it sought to determine whether the current split of responsibilities between the two teams works in practice, and how the focus on prevention could be better incorporated into the work of the LRF through the two support teams.
- 1.6** The external review reported in June 2023. The key recommendation from the review was that the Deputy Mayor for Fire & Resilience as chair of the LRF should open a dialogue with the two deputy chairs on the extent to which a new combined team could provide a more cost efficient and effective support service for both tiers of London local government.
- 1.7** A period of consultation took place over the summer between the chair and deputy chairs of the LRF, the GLA, the LFC, the chair of the LRF Local Authorities' Panel, and the Chief Executive of London Councils. The GLA have now proposed to implement the main recommendation of the review; to merge LRG with GLA City Operations. This proposal is supported by the London Fire Commissioner and the chair of the LRF Local Authorities' Panel on behalf of London local authorities.

2 Objectives and expected outcomes

- 2.1 The intention is to transfer the resilience services provided by the LFC (discharged by LRG) on behalf of the GLA and London Local Authorities, from the LFC to the GLA. The transfer of these services will be conducted under a Transfer of Undertakings (Protection of Employment) (TUPE) process. The proposed transfer date is 1 April 2024.
- 2.2 The merger of the two teams is an opportunity to bring the arrangements for resilience into one place, from longer-term policy, prevention and adaptation, through to emergency preparedness, response and recovery. This will support London working towards the UK Government Resilience Framework ambitions of a shared understanding of risk, a greater emphasis on prevention of emergencies, and a whole-of-society approach to resilience.
- 2.3 The transfer process will be overseen by a governance group comprising the LRF chair and deputy chairs and representatives of the GLA, LFC and London local authorities.
- 2.4 It is proposed that the COMAH, PSR and REPPiR services discharged by the LRG on behalf of the LFC remain within the London Fire Brigade and are transferred to Operational Resilience & Control. This is appropriate because the legislative duties apply to the LFC and are distinct from the core work of the LRF derived from the Civil Contingencies Act (2004), and latterly the direction set in the UK Government Resilience Framework. This proposal also offers an opportunity to enhance the preparedness for COMAH and PSR major accidents within LFB by better aligning the range of work currently undertaken by LRG, Ops Resilience & Control, Operational Policy, and by the Borough and Station Commanders and fire-fighters with COMAH sites in their areas.
- 2.5 These services are currently delivered by the equivalent of approximately two full time Fire & Rescue Service (FRS) grade E posts. However, the work is conducted by several people within LRG as a percentage of their role alongside work on LRG's services delivered on behalf of the GLA and London local authorities. These team members have a generic job description the same as their peers within LRG which contains only limited reference to COMAH, PSR and REPPiR. They do not have specialist qualifications or expertise in these services outside of their experience gained within the team. Rather they happen to be assigned workstreams in relation to COMAH, PSR and/or REPPiR at this time. Therefore, they are considered part of the wider team and LRG service provision.
- 2.6 Considering the best interests of the services required to be delivered by the LFC, and of the individuals concerned, it is proposed that the COMAH, PSR and REPPiR service and two FRS grade E posts remain in London Fire Brigade, but the whole complement of LRGs current staffing is transferred to the GLA under the TUPE process. LRG would therefore transfer to the GLA with 21 posts instead of the current full complement of 23 posts, with the difference (two posts to remain in LFB) met through current vacancies.
- 2.7 To achieve service continuity, it is proposed that the two FRS grade E posts are recruited within Operational Resilience & Control in parallel to the TUPE process. LRG will continue to maintain a close relationship with Operational Resilience & Control and a phased handover will be undertaken until such time as the LFC is satisfied the new COMAH team is operating effectively and no longer requires this support. This transition will be overseen by the Assistant Commissioner for Operational Resilience & Control and the Interim Head of LRG.
- 2.8 The proposed move to the GLA has implications for ten LFB FRS staff who volunteer and receive a stand-by allowance to support LRGs response to significant emergencies when there is a requirement to increase staffing in the London Local Authority Coordination Centre (LLACC). The implications of the transfer of LRGs services to the GLA on these arrangements will be considered as part of the service transfer, and in the context of a separate review of the London Local

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 proposed transfer of services from the LFC to the GLA is not intended to change the way

these services are delivered or the outcomes they provide. The intention is for all LRG team members to be transferred under a TUPE process with the related legal protection of their terms and conditions of service which applies equally to all employees regardless of their protected characteristics. Therefore, no equalities impact is foreseen, and no mitigating action is required. Despite not being foreseen, if equalities impacts are identified during the TUPE process, these will be considered and addressed as part of that process.

- 3.9** Following the transfer to the GLA, future harmonisation of terms and conditions could result in changed pay which could disproportionately affect lower-paid staff). TUPE protects against this, and future harmonisation should only occur when it improves transferred staff terms and conditions and where there is consent from impacted staff and relevant unions.
- 3.10** All staff covered under the TUPE transfer must be properly consulted. Appropriate consultation and engagement opportunities will be provided for all LRG team members, including those who may be on maternity leave, sick leave, or other leave during periods of informal engagement or during the formal TUPE consultation.

4 Other considerations

Workforce comments

- 4.1** The TUPE process will require formal consultation with LFC employees who are members of LRG and therefore included in the TUPE transfer.
- 4.2** Initial information about the proposed transfer has been provided to Trade Unions representatives. An initial meeting was held on 16 October and a second meeting was held on 1 November 2023. A formal consultation will be undertaken as part of the TUPE process.
- 4.3** There will be a requirement to transfer two FRS grade E posts from LRG to Operational Resilience & Control to maintain the COMAH, PSR and REPPIR services on behalf of the LFC as described in section 2 of this report.

Sustainability comments

- 4.4** Not applicable. There are no known sustainability implications.

Procurement comments

- 4.5** No procurement by LFC is required as part of these proposals. It will be necessary to consider the transfer of existing contracts from LFC to the GLA. These are limited to hosting and maintenance of an on-line software application, and contracts for a small number of Airwave handsets and a mass-messaging system. Consultation with Procurement will be undertaken as part of the service transfer project.

Communications comments

- 4.6** The external review report and proposed recommendations was shared with the employees affected by the transfer and merger of the teams in June 2023. Since then, two-way communications have continued within LRG through full-team and smaller team meetings. A team question and answer document is being maintained, with answers provided when available (noting some questions cannot be answered until they are addressed as part of the formal TUPE process). A team meeting to discuss the proposals with the Deputy Commissioner for Preparedness and Response took place on

17 July, and the proposals were discussed at a team meeting with the Commissioner on 18 October. This informal team engagement will continue throughout the transfer process in addition to formal consultation required under the TUPE process.

- 4.7 The proposed move to the GLA has implications for ten LFB FRS staff who volunteer and receive a stand-by allowance to support LRGs response to significant emergencies when there is a requirement to increase staffing in the London Local Authority Coordination Centre (LLACC). The Interim Head of London Resilience met with the affected FRS staff members on 5 and 10 October to update them on the proposals.
- 4.8 A stakeholder engagement plan is being developed to be led by the governance group that will oversee the transfer. Stakeholders will include employees affected by the proposed TUPE transfer, stakeholders within the GLA, LFC and London local authorities, and wider stakeholders including central government and members of the London Resilience Partnership.
- 4.9 Information about the proposed transfer has been shared with the LFB Communications Team. LRG will work with the Communications Team to arrange all-staff communications when necessary.

5. Financial comments

5.1 The current (2023/24) LRG budget is £1,751,022, comprising £1,632,649 staffing related expenditure and £118,373 other expenditure. There is additional other expenditure off-set by cost-recovery for that expenditure and services provided by LRG. For example, LRG procures services from the College of Policing to deliver training on behalf of the London Resilience Forum. Some of this expenditure is offset by financial contributions from partnership organisations that benefit from this training provision.

5.2 LRGs budget includes the following reimbursements:

- £405,000 funding from London local authorities for the provision of Local Authority services.
- £88,905 cost recovery for external secondments.
- £66,139 for other reimbursements.
- £44,662 cost recovery from COMAH site operators for the provision of COMAH services (the projected cost recovery figure for the financial year 2023/24 has been increased to an estimate of £80,000 i.e., higher than the original budget figure of £44,662).

5.3 The proposed transfer of LRG services to the GLA is expected to be cost-neutral for the LFC. The funding received from the GLA and local authorities will cease in line with the transfer of these services to the GLA. The staff related expenditure and other expenditure set out in 5.1, and the cost recovery set out in 5.2 would also cease except for the COMAH service cost recovery which would remain with the LFC as part of the COMAH, PSR and REPIR service due to remain with the LFC.

6. Legal comments

6.1 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.

- 6.2** Section 1 of the Fire and Rescue Services Act 2004 states that the Commissioner is the fire and rescue authority for Greater London.
- 6.3** Both the Greater London Authority and Commissioner are designated Category 1 responders under the Civil Contingencies Act 2014 ("CCA") and as such have statutory duties under section the CCA.
- 6.4** The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 ("CCR") requires Category 1 responders to co-operate with each other in connection with the performance of their CCA duties. This co-operation must include (by regulation 4(4)(b)) a local resilience forum, known in London as the London Resilience Forum ("LRF").
- 6.5** The GLA and Commissioner have previously entered a protocol (under regulations 4(5), 7 and 8 of the CCR) for the Secretariat of the LRF to be transferred to the Commissioner.
- Regulation 7 provides that in order to facilitate co-operation under regulation 4 responders may enter into a protocol with each other.
 - Regulation 8 provides that each general Category 1 responder may: (a) perform a duty under section 2(1) CCA jointly with another responder; (b) make arrangements with another responder to perform such duty on behalf of the general Category 1 responder.
- 6.6** Additionally, there is a 2019 Service Level Agreement between the London Resilience Forum (LRF) Local Authorities' Panel, the LFC, and The City of London Corporation.
- 6.7** By regulation 4(5) CCR the arrangements for the London Resilience Forum must be agreed by the relevant Category 1 responders (including the GLA and LFC) subject to prior consultation with relevant Category 2 responders.
- 6.8** This paper sets out proposals to modify these two agreements and to delegate authority to the Deputy Commissioner to make any consequent changes required to effect the recommendations including to enter into new agreements.
- 6.9** To effect the proposals in this report the two agreements will be reviewed and amended, or terminated, as appropriate.
- 6.10** Any transfer of staff to the GLA may engage the TUPE legislation, General Counsel's Department is advising on the transfer to ensure compliance with all legal and policy requirements and this report delegates authority to make any decisions, if required, related to the transfer of staff to the Deputy Commissioner.
- 6.11** By direction dated 1 April 2018, 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 and Resilience (the "Deputy Mayor").
- 6.12** Paragraph 3.1 of Part 3 of the said direction requires the Commissioner to consult with the Deputy Mayor as far as practicable in the circumstances before a decision is taken on (inter alia) any "[c] decision that can be reasonably considered to be novel, contentious or repercussive in nature, irrespective of the monetary value of the decision involved (which may be nil)". The proposals in this report are considered to require consultation with the Deputy Mayor in accordance with the provisions of the Mayoral Direction.

List of appendices

Appendix	Title	Open or confidential*
	None.	