

REQUEST FOR MAYORAL DECISION – MD1507

Title: Appointment of the next London Fire Commissioner

Executive summary

The current London Fire Commissioner has announced his decision to retire. The deadline for responses to the advertisement for his successor closed on 15 May 2015. The Mayor's Chief of Staff wrote to the Chairman of the London Fire and Emergency Planning Authority (LFEPA) on 11 May 2015 asking to participate in the appointment process as the Mayor's nominee. The Chairman of LFEPA replied on 19 May 2015 to say that not all LFEPA Members were comfortable with that proposal. The Mayor is therefore being asked to direct LFEPA to secure his Chief of Staff's participation in the process.

Decision

That the Mayor directs LFEPA in relation to the appointment of the next London Fire Commissioner 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. Appointment of the next London Fire Commissioner

Background

- 1.1 The current London Fire Commissioner has announced his decision to retire. The deadline for responses to the advertisement for his successor closed on 15 May 2015. The Mayor's Chief of Staff wrote to the Chairman of the London Fire and Emergency Planning Authority (LFEPA) on 11 May 2015 asking to participate in the appointment process as the Mayor's nominee. The Chairman of LFEPA replied on 19 May 2015 to say that not all LFEPA Members were comfortable with that proposal. The Mayor is therefore being asked to direct LFEPA to secure his Chief of Staff's participation in the process.

Rationale

- 1.2 It would appear reasonable to issue a direction for the following reasons:
- The Mayorality would be involved in any appointment process for the role of Transport Commissioner or Police Commissioner in the capital;
 - The Fire Commissioner advises the Mayor directly on a wide range of issues including:
 - Allocation and alignment of frontline fire and rescue resources
 - Resilience and other emergency planning issues
 - Trade union and other staffing relationships within the fire and rescue service; and
 - The Mayor is not seeking to make the appointment himself but to be comfortable with the appointment LFEPA Members will seek to make.

Content of direction

- 1.3 The direction sets out that LFEPA should:
- Involve the Mayor's nominee in the longlisting, shortlisting and interview stages of the appointment process;
 - Complete the longlisting process by 29 May 2015 so as not to lose momentum, noting that the deadline for responses to the advertisement closed on 15 May 2015; and
 - Seek the Mayor's prior consent to the proposed appointment before making the offer of appointment.

2. Equality comments

- 2.1 There are no equality implications directly arising from this decision.

3. Financial comments

- 3.1 There are no financial implications directly arising from this decision.

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.

Section 328 (4) provides that the Mayor must send a copy of the direction to the Fire Commissioner.

- 4.3 By virtue of section 146A of the Local Government Act 1972 (the LGA Act), LFEPA is deemed to be a local authority for the purposes of section 112 of the LGA Act. Section 112 provides that a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of such of their functions as fall to be discharged by them. The appointment of the Fire Commissioner is in accordance with section 112 of the LGA Act. The Chief of Staff's involvement in the appointment of the next Fire Commissioner does not interfere with LFEPA's obligations under section 112 of the LGA Act. This decision and the proposed direction are therefore within the Mayor's powers of direction under section 328 of the GLA Act.

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 – NO

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