



LONDON FIRE BRIGADE

Report title

Extension of London Safety Plan 2017

Report to

Operational Delivery and Assurance DB

Date

3 June 2020

Commissioner's Board

17 June 2020

Report by

Assistant Director of Strategy and Risk

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Summary

The London Safety Plan 2017 is currently the London Fire Commissioner's Integrated Risk Management Plan as required by the national framework for the fire and rescue service. The plan expires at the end of March 2021 and work has begun to develop a new plan.

The circumstances surrounding the Covid-19 pandemic have caused officers to review whether or not to produce a new plan at this time.

Recommended decision(s)

That the London Fire Commissioner extends the London Safety Plan 2017 to 31 March 2022.

Background

1. The London Safety Plan ('LSP') has been the Integrated Risk Management Plan ('IRMP') as required by the government's national framework for the fire and rescue service. The London Fire and Emergency Planning Authority approved the existing London Safety Plan 2017 – 2021 ('LSP2017') at their meeting on 30 March 2017..
2. Following the establishment of the London Fire Commissioner (LFC), any new plan requires the Mayor to approve its final proposed text prior to its publication. Accordingly, officers developed a draft timetable for production of a new plan that would commence from April 2021. That timetable was agreed by Commissioner's Board on 10 April 2019.
3. The recent circumstances of the COVID-19 pandemic have caused officers to review that timetable and it is now recommended that LSP2017 be extended until 31 March 2022.

Considerations

4. The pandemic has impacted the preparation of the next iteration of the LSP in a number of ways.
5. The existing timetable is intended to ensure that the plan is finalised subsequent to each Mayoral election, allowing the newly elected Mayor the opportunity to shape the plan prior to its public

consultation and approval. The postponement of the Mayoral and London Assembly elections have led to a misalignment between the draft timetable and that aim. Realignment of the timetable for the plan with that of the elections would allow that aim to be met.

6. Proceeding with the existing timetable would also present significant challenges for facilitating appropriate engagement and consultation on a draft plan while social distancing restrictions are in place.
7. It is also clear that the Brigade's transition to recovery will be to a "new normal", but the shape of that new normal is not yet fully understood, nor are the wider financial implications of the pandemic and the potential budgetary impact for the Brigade.
8. Additionally, capacity within the Brigade required to develop the plan and properly fulfil the engagement and consultation requirements of the Fire and rescue national framework for England (the 'Framework') is also impacted by the pandemic with key staff fully engaged in other projects and timetables being stretched by the impacts of COVID-19.
9. There are additional advantages to this revised approach. Producing a new plan to the existing timetable would severely limit the opportunity for the new Transformation Director, who took up her appointment from 1 June, to have any influence on its shape or direction. Extending the existing plan would also allow the new expanded executive team, with the new Director for People, time to establish itself prior to creating the new plan together.
10. This year also sees the establishment of the Building Safety Regulator and the new Fire Safety Bill, which will inform LFC regulatory fire safety priorities and be a fundamental aspect of any future plan.
11. Officers do not foresee that extending the plan would have any impact for partners but will ensure early discussions take place with partners to ensure any unintended consequences are identified and managed appropriately.
12. Some community groups, for example those impacted by the Grenfell Tower fire, may be anticipating the opportunity to engage with LFC over the development of the new plan in the coming months. Officers will consider how best to communicate this to those groups to reassure them and set out the new timetable for engagement and consultation.
13. The challenges faced by Fire and Rescue Authorities and the possible impact on IRMPs are recognised in the letter from the Minister of State for Security dated 23rd April 2020 attached as Appendix 1.

Options

14. Officers have considered whether to recommend a simple extension of the existing plan or to undertake an interim revision.

An Interim Plan

15. An interim revision could incorporate the Transformation Delivery Plan ('TDP') – agreed by the LFC on 24 February (LFC0294x), focussing on the LFC newly agreed purpose, vision, behaviours and strategic pillars. The TDP actions would replace the LSP Action Plan, along with any outstanding commitments from the LSP 2017 and the plan would focus on deliverables to March 2022.

16. However, the difficulties of undertaking any meaningful engagement during the development of the plan while social distancing is in place would still remain. Consultation on the draft interim plan this summer would be followed by consultation on the new IRMP next summer which could confuse consultees and potentially reduce the level or negatively impact engagement in the second consultation.
17. Furthermore, staffing and financial resources that are already stretched as a result of the pandemic would be required for production of both an interim plan and a subsequent full plan.

Extending the Plan

18. Extending the existing plan is more straightforward and would not require consultation. The existing plan did not require amendment in the light of the Grenfell Tower fire, as the plan was structured to be an enabling plan and the objectives within it were sufficiently flexible to allow the Brigade to reframe its fire safety and response provisions in the light of lessons learned. The transformation and improvement required in response to the recommendations from both the Grenfell Tower Inquiry and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services resulted in the production of detailed plans and the overarching TDP. Together, these plans set out both the LFC response to risk and LFC corporate objectives and are achievable under LSP2017.
19. Operationally, LFC has a greater awareness of the risks associated with buildings constructed in recent years and the LFC response has included increasing the number of fire engines it sends after it receives a call (the 'pre-determined attendance') to fires in high-rise buildings. Also the LFC has issued new advice to responsible persons to provide a waking watch in certain circumstances and the introduction of revised operational policies.
20. It may be desirable to bring all these together into one new IRMP, but LSP2017 has not impeded these changes and officers do not foresee that it would do so during the period of the proposed extension.
21. The outstanding items in the action plan which supports the LSP 2017 can continue to be updated as usual and progress reported alongside that of the progress of the TDP. Steps will be taken by officers to reduce any confusion which may arise from the existence of both LSP2017 and the TDP (which was an issue prior to 2009, when the former London Fire and Emergency Planning Authority produced both a Best Value Performance Plan and a LSP).
22. The Assessment of Local Risk, with its supporting postcode tool, would continue to be updated annually in line with the commitments in LSP2017. Should that assessment result in the need for any change to the LFC response that could not be delivered within the bounds of the existing plan, officers would have to consider how best to revise LSP2017 at that time.
23. The current factors suggest that an extension of the current LSP 2017 is the preferred route.

Finance comments

24. This report recommends that the LFC extends the LSP to the 31 March 2022. The 2020/21 Budget report included a planned saving of £30k for data modelling from 2021/22, to allow for work on the LSP in 2020/21. If the LSP is extended by a further year this saving should be reviewed and also deferred by a year if necessary.

Workforce comments

25. Staff side consultation took place in developing the 2017 plan, and continued both during and after the consultation period. This involvement was integral to the development of the plan, and is something that both staff side and officers have pursued through the delivery of the plan.

Legal comments

26. 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. Section 1 of the Fire and Rescue Services Act 2004 states that the Commissioner is the fire and rescue authority for Greater London.
27. The production of an IRMP, which in the case of the LFC is the London Safety Plan, is a requirement of the Fire and Rescue National Framework for England ("Framework") issued by the Secretary of State under section 21 of the Fire and Rescue Services Act 2004. Section 21(7) of the Act requires fire and rescue authorities to have regard to the Framework in carrying out their functions.
28. The Framework includes provision for the review and revision of an IRMP. General Counsel notes that no changes are to be made to LSP2017 with the exception of adding a single year to the life of the plan. Whether the extension of the plan by a year engages the provisions of the Framework in this regard is a finely balanced argument, it is considered on balance that they do, and accordingly they should be considered and addressed. The LFC is advised that a review to the extent that it is necessary in the circumstances for extending the duration of LSP2017 has been undertaken and the findings in this report reflected in this.
29. The Framework also sets out that at development or review stages of the IRMP it must reflect effective consultation. As set out above, the legal duty on the LFC is to have regard to the Framework, and therefore requires good reasons for departing from it, should it decide to do so. It is a debatable point whether the Framework consultation requirements are engaged in the circumstances of an extension of this nature such that the consultation question arises, but if it does, there are potentially good reasons for not consulting; the only 'revision' is an extension of time and not a change in the substance of the Plan and there are practical difficulties in engaging meaningfully with Stakeholders, which forms part of the reasons for the proposal to extend the life of LSP2017. However, in reaching a decision on consultation, the LFC should also have regard to the fact that absent consultation, the decision making cannot be informed by the views of key stakeholders. The LFC is therefore advised to consider the Framework and to determine, having regard to the matters set out in paragraphs six and eight of the report and the matters set out here, whether consultation should take place. The LFC is advised that in the circumstances it is reasonable to come to the view, should he wish to do so, that consultation is not required before deciding to extend the LSP2017 for a year. The LFC is also advised there is no past practice of consultation in such circumstances such that a right to consultation arises, indeed LSP2012 was extended for a similar period without consultation.
30. Under section 327G of the Greater London Authority Act 1999 ('GLA Act 1999'), as amended, the Commissioner must, before publishing the document or any revision to it, send a copy of the document or revision in draft to the Mayor and the Assembly and may not publish the document or any revision to it unless the Assembly has had an opportunity to review the draft document or revision, make a report on it to the Mayor and the Mayor has approved the draft document or revision.

31. General Counsel has considered the provisions of s327G. General Counsel considers these to be procedural requirements related to governance and the statutory relationship with the Mayor and Greater London Assembly. General Counsel advises that there is a requirement to follow a set governance process and it is advised that the LFC progress in accordance with the provisions of s327G.
32. Under section 327D of the GLA Act 1999, as amended, 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.
33. 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"). Paragraph (b) of Part 1 of the said direction requires the Commissioner to seek the prior approval of the Mayor before "[b] Approval of the final proposed text of the draft London Safety Plan (or any revision of it) for the purposes of sending it to the Assembly under section 327G(2) of the GLA Act 1999". This Direction applies and accordingly must be followed.
34. If the Commissioner does not wish to take the recommended decision, the existing timetable will continue for the next iteration of the LSP.

Sustainability implications

35. One of our principles is to ensure that sustainability runs through all our activities and at the strategic level, the Brigade expresses this commitment through our Sustainability Strategy which sets out our key performance improvement priorities, measures and targets in this area.
36. Sustainability analysis also forms a key strand of the development of every London Safety Plan and any proposals arising from the continuation of this Plan going forward will be subject to our sustainable development impact assessment process.

Equalities implications

37. The London Fire Commissioner and decision takers are required to have due regard to the Public Sector Equality Duty (s149 of the Equality Act 2010) when exercising our functions and taking decisions.
38. 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.
39. 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.
40. The Public Sector Equality Duty requires us, in the exercise of all LFC functions (i.e. everything the LFC does), to have due regard to the need to:
 - (a) Eliminate discrimination, harassment and victimisation and other prohibited conduct.
 - (b) Advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.

- (c) Foster good relations between people who share a relevant protected characteristic and persons who do not share it.
41. 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:
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic;
 - (b) 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;
 - (c) 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.
42. 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.
43. 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—
- (a) tackle prejudice, and
 - (b) promote understanding.
44. An Equality Impact Assessment (EIA) was undertaken to support the development of LSP2017. This identified a number of areas with a potential positive impact on equality groups, and committed to undertaking equality analyses on parts of the plan which impacted our staff and communities.
45. The EIA considered the impact of a proposal within the plan to move a second fire engine from Kingston fire station to New Malden fire station. This proposal was reviewed by LFC and on 25 October 2018, LFC decided not to move the second fire engine from Kingston fire station (*LFC 0074x-D*). The equalities implications noted in relation to this proposal are therefore no longer relevant.
46. In relation to the decision to extend LSP2017, any potential equality impacts arising in relation to the Public Sector Equality Duty will be addressed by two significant areas of work which have been developed since the LSP was launched. These are:
- a. The LFB Transformation Delivery Plan (underpinned explicitly by 'Diversity and Inclusion'); and
 - b. The launch of the LFB Togetherness Strategy (launching 1 July 2020, a new inclusion strategy to drive strategic organisational change and improve diversity and inclusion outcomes for staff and communities).

47. These two areas of work have explicit commitment, actions and embedded accountability to improving equality outcomes for both staff and communities. Although the original Equality Impact Assessment for the LSP2017 is still relevant to the development of the LSP, consideration should be given to the more recent context of the two areas of work listed above which will have significant impact in supporting the LFB to meet its obligations under the Public Sector Equality Duty.
48. In light of this, there are therefore unlikely to be significant or disproportionate equality implications arising from the extension of the LSP2017.

List of Appendices

Appendix	Title	Protective Marking
1.	Home Office letter dated 23 April 2020	None

Consultation

Name/ role	Method consulted
General Counsel, Assistant Director Communications, Assistant Director Finance, Head of Information Management	By discussion and/or draft circulation of this report.

Home Office Letter dated 23 April 2020



Rt Hon James Brokenshire MP
Minister of State for Security

2 Marsham Street, London
SW1P 4DF
www.gov.uk/home-office

Roy Wilsher, Chair, National Fire Chiefs Council
Cllr Ian Stephens, Chair, Fire Services Management Committee
CC: All Chief Fire Officers
FRA Chairs and PFCCs

BY EMAIL ONLY

23rd April 2020

FURTHER SUPPORT TO FIRE & RESCUE SERVICES DURING COVID-19

I am writing further to my recent letter supporting the work that is being done nationally to tackle Covid 19 and to outline a number of ways in which Government is seeking to further support local services in this challenging period.

First, I wanted to introduce Lord Stephen Greenhalgh, who has been appointed recently as a joint Minister of State with responsibility for Fire in the Ministry of Housing, Communities and Local Government and the Home Office. We are both delighted that our responsibilities cover the fire service. This essential and much-loved public service has a proud record in keeping people of this country safe, never more so than during the current Covid-19 emergency.

We are grateful to all those working in the fire and rescue sector to ensure that essential functions are maintained and that the sector can support partner agencies as we tackle the crisis at hand. We welcome the agreement which NFCC has reached with employers and unions to allow firefighters to provide support to the ambulance service, to coroners and to the vulnerable, and we want to thank fire fighters and staff for their incredible service and the often challenging roles they are stepping up to volunteer for. Our officials are working closely with the National Fire Chiefs Council to ensure that services have everything they need to carry out their critical role and to keep people safe.

We have also asked our officials to identify those areas where we can temporarily reduce burdens on fire and rescue services and fire and rescue authorities, so you are all able to focus on the issue at hand. We have listened carefully to the issues that have been raised, and this letter sets out the measures on which we are currently working.

[Requirements regarding FRA meetings](#)

We have worked with MHCLG and legislated so that the requirement for Annual Council meetings, including those for FRAs, to take place has been removed – and that, while essential council meetings should continue, these are able to take place remotely for a temporary period.

National framework, annual assurance statements and IRMPs

Whilst FRAs must continue to have due regard to the National Framework, we appreciate that fire and rescue services need to focus on maintaining essential services and supporting the wider COVID-19 effort. For this reason, we wanted to make clear that, if a service's annual assurance statement and/or IRMP are due to be prepared and published in the coming months, we understand there may be a delay in the publication during the current circumstances, however any risk could be mitigated by taking such action as you are able to during this period. We should be clear, however, that this does not mean that the Secretary of State would not take intervention action against an FRA for failing to have due regard to the framework during this period.

The Secretary of State is also due to make the biennial report to Parliament in July on the extent to which FRAs are acting in accordance with the national framework. Previously, when preparing this report, we have contacted all FRAs asking for confirmation of compliance. We are confident that we will not need to do that this time, providing that all FRAs have published their previous annual statements of assurance, IRMPs and financial plans, and it is clear that they have been agreed by the FRA or the elected responsible member.

Personal Protective Equipment

We are working closely with the National Fire Chiefs' Council to ensure that Fire and Rescue Services have the PPE they need to carry out their duties. The NFCC has done excellent work in this regard, has a supply chain in place and is monitoring stocks nationally to ensure that supplies are distributed where they are needed. We will continue to work extremely closely to ensure services receive the equipment they need, when they need it, in order to carry out their jobs safely.

Testing

Our top priority for testing is patients in hospital, to inform their clinical diagnosis, followed by NHS and social care workers having to self-isolate because either they, or a member of their household, have symptoms. We now have the capacity to give every person in these categories a test who needs one. As a next step, we now have the capacity to start to test other frontline workers in England who are having to self-isolate because either they, or a member of their household, have symptoms. This includes firefighters. Like with NHS and social care workers, we want to find out if they have the virus – and, if they don't, they might be able to return to their important work.

Retired firefighters

Firefighter pensions and policy officials are continuing to work closely with HM Treasury officials and the National Fire Chiefs Council to build a case for re-engaging retired firefighters in England. The measures being considered would

enable the re-employment of retired key workers to maintain an effective emergency response alongside the work agreed to contribute to the government's key priorities.

On-call fire fighters

We have worked with HMRC and they have now issued new guidance to employers and employees to ensure retained staff are not ruled ineligible for the COVID-19 loss of earnings benefit due to their secondary on-call firefighter contract of employment. The FRS is playing a critical role during this unprecedented time and all staff should be able to access the Government support available.

Driver licencing

We have worked with DfT to relax the requirement to provide a medical report as part of the renewal of driver licences. The temporary relaxation will now ensure that those who are fit to drive can continue their crucial role, and services can continue keep fire appliances on the road.

This work is moving at pace and our officials will provide an update when we have clarity on any outstanding issues. We would ask you to let our officials know, working through the NFCC, should other similar issues arise.

Rt Hon James Brokenshire MP

Security Minister

A handwritten signature in black ink, appearing to read 'James Brokenshire', written in a cursive style.

**RT HON JAMES BROKESHIRE
MINISTER OF STATE FOR SECURITY**



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Andrew Dismore AM

Chair of the Fire, Resilience and Emergency Planning Committee

23 July 2020

Sadiq Khan,
Mayor of London

(sent by email)

Dear Sadiq,

Fire, Resilience and Emergency Planning Committee Meeting – 23 July 2020

I am writing to you with regard to the London Fire Commissioner's proposal for a one year extension to the London Safety Plan, which was considered by the Fire, Resilience and Emergency Planning Committee at its meeting on 23 July 2020.

In accordance with Section 327I of the GLA Act 1999, the Committee is required to review and make a report or recommendation to the Mayor on any draft document or revision prepared by the London Fire Commissioner under section 327G of the Act. This review must occur prior to the Mayor approving the draft document or revision for publication.

At its meeting on the 23 July 2020, the Fire, Resilience and Emergency Planning Committee formally noted and agreed with the London Safety Plan extension proposal and agreed that this form the recommendation to you, in accordance with the requirement set out at Section 327I of the Act. The Committee made comment that more meaningful performance metrics supplementary to the current Plan be developed and used for the current Plan if possible; and that the next London Safety Plan include such metrics aligned to the Transformation Delivery Plan.

Yours sincerely

A handwritten signature in blue ink that reads "Andrew Dismore".

Andrew Dismore AM

Chair of the Fire, Resilience and Emergency Planning Committee