

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3257

Transfer of the London Resilience Group from the London Fire Commissioner to the GLA

Executive summary:

The London Resilience Group (LRG), which is hosted by the London Fire Commissioner (LFC), provides services relating to duties under the Civil Contingencies Act 2004, on behalf of the GLA and London local authorities. It is proposed that the team will transfer from the LFC to the Strategy and Communications Directorate within the GLA. The LRG will merge with the GLA City Operations Unit to form a new London Resilience Unit. These services will be transferred to the GLA on a proposed transfer date of 1 April 2024, subject to consultation being completed by that date. If consultation is not completed by 1 April 2024, then the transfer date may have to be moved. The employees who are assigned to those services will transfer under the principles of the Transfer of Undertakings (Protection of Employment) Regulations 2006.

Decision:

That the Mayor:

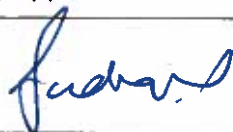
1. approves the transfer of the London Resilience Group (LRG) from the London Fire Commissioner (LFC) to the GLA
2. approves the recurrent transfer of up to £1.147m net budget from the LFC to the GLA, which will fund staff establishment of 21FTE from the LRG team as well as various non-staffing costs
3. delegates authority to the Executive Director of Strategy and Communications, to receive and use the external income currently received by the LFC from London local authorities for the purposes of the LRG which is taken into account in the sum set out at 2 above
4. pursuant to section 121(2) of the Greater London Authority Act 1999, consents to the transfer of up to £522,000 ringfenced grant (from the Department for Levelling Up, Housing and Communities) from LFC to the GLA when it is received during 2024-25 and approves expenditure of this grant on appropriate priorities of the LRG
5. delegates authority to the Executive Director, Strategy & Communications, to deploy the £522,000 ringfenced grant on decisions made by the LRF for the funding.

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:

25 12/3/24

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

Decision required – supporting report

1. Introduction and background

Introduction

- 1.1. The London Resilience Group (LRG) provides services relating to duties under the Civil Contingencies Act 2004, on behalf of the GLA and London local authorities. It is proposed that the team will transfer from the London Fire Commissioner (LFC) to the Strategy and Communications Directorate within the GLA. The LRG will merge with the GLA City Operations Unit to form a new London Resilience Unit (LRU). It is proposed that these services are transferred to the GLA on 1 April 2024, subject to consultation being completed by that date. If consultation is not completed by 1 April 2024, then the transfer date may have to be moved. The employees assigned to those services will transfer under the principles of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

Background

- 1.2. The London Resilience Team (LRT), as it was then known, transferred from the GLA to the London Fire and Emergency Planning Authority (LFEPA) in January 2015. At that point, the LRT merged with the London Fire Brigade (LFB) Emergency Planning (EP) team. Following a transition period, in June 2016 the LRT and the LFB EP were fully restructured to form the LRG as a single team within the LFB.
- 1.3. On 1 April 2018, the LFC (a statutory corporation sole and functional body within the meaning of the Greater London Authority Act 1999 (the GLA Act)) replaced the abolished LFEPA. A statutory transfer scheme provided for the transfer of LFEPA's property, rights and liabilities to the LFC on that date. Staff of the LRG therefore became employees of LFC.
- 1.4. The LRG provides services on behalf of the LFB, the GLA and London local authorities. These are detailed at paragraphs 1.5 to 1.7, below.

Services on behalf of the GLA, as agreed in a service-level agreement between the GLA and LFEPA in 2015 (since transferred to the LFC)

- 1.5. These services primarily relate to specific duties for the GLA set out in Cabinet Office documentation in relation to the Civil Contingencies Act 2004. Chapter 9 (London) of 'Emergency Preparedness' (Guidance on part 1 of the Civil Contingencies Act 2004, its associated regulations and non-statutory arrangements) states:

"In particular, the GLA:

- *is responsible for the secretariat of the LRF [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 LRF Local Authorities' Panel (LAP), the LFC and the City of London Corporation in April 2019

- 1.6. These services primarily relate to pan-London local authority arrangements. Chapter 9 (London) of Emergency Preparedness states:

"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: In order 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."*

Services on behalf of the LFB, which will remain within LFB

1.7. These include the production, review and testing of emergency plans, to fulfil the legislative duties placed on the LFC relating to major accidents and industrial hazards.

Review of London's resilience arrangements

1.8. Since the formation of the LRG in 2016, the resilience functions within the GLA have grown in remit and size. The GLA City Operations Unit, created in 2019, now comprises the London Situational Awareness Team; City Resilience; Community Resilience; and Incident Response services. This comprises 17FTE.

1.9. Over this period, the role of local resilience forums and the approach to civil contingencies in the UK, have 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, and climate change resilience and adaptation; and in response to longer-lasting 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.

1.10. As set out in the Civil Contingencies Act 2004, the GLA is a Category One responder. As a Category One responder the GLA must:

- assess the risk of emergencies occurring, and use this to inform contingency planning
- put in place emergency plans
- put in place business continuity management arrangements
- put in place arrangements to make information available to the public about civil protection matters; and maintain arrangements to warn, inform and advise the public in the event of an emergency
- share information with other local responders to enhance coordination
- cooperate with other local responders to enhance coordination and efficiency – including through a local resilience forum which must meet at least once every six months.

1.11. In addition to the statutory duties, there is guidance on Part 1 of the Civil Contingencies Act 2004 entitled 'Emergency Preparedness'. This is for agencies involved in emergency planning and response. Chapter 9 of the guidance concerns arrangements in London, and specifies that the Mayor can appoint someone to serve as Chair of the LRF on his/her behalf. The guidance also provides that the Mayor and the GLA:

- are closely engaged in high-level discussions and decisions relating to the management of emergencies in London
 - contribute as necessary to pre-informing Londoners about the content of emergency plans; the correct behaviour in an emergency; and good practice in terms of preparedness in the home, as part of initiatives organised both locally and at the UK level
 - prepare to play a key role in warning and informing the public during an emergency in London
 - take responsibility for civil protection issues in connection with the management of Parliament and Trafalgar Squares.
- 1.12. An external review of London's resilience arrangements, discharged between the LRG and GLA City Operations, was commissioned in January 2023 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 LRF's work through the two support teams.
- 1.13. In June 2023, the external review reported its findings to the Deputy Mayor of Fire and Resilience, the GLA Chief Officer, the Mayor's Chief of Staff, and the LFC. The key recommendation from the review was that the Deputy Mayor for Fire and Resilience, as chair of the LRF, should open a discussion with the LRF's two deputy chairs. This would explore the extent to which a new, combined unit could provide a more cost-efficient and effective support service for both tiers of London local government.
- 1.14. Over Summer 2023, consultation took place between the LRF's chair and deputy chairs; the GLA; the LFC; the chair of the LRF LAP; and the Chief Executive of London Councils. It remains imperative that the GLA works closely with London Councils and local authority representation to ensure any new structures proposed support the London-wide system. The outcome of the discussions was to implement the main recommendation of the review: to merge the LRG with GLA City Operations. This transfer is supported by the LFC, and by the chair of the LRF LAP on behalf of London local authorities.
- 1.15. On 23 November 2023, the GLA Oversight Committee considered the Chief Officer's report on the transfer of the LRG to the GLA. The Oversight Committee agreed to respond to the Chief Officer's consultation on the proposed changes. Further information was requested by the Committee, relating to plans for communicating with the voluntary sector and key stakeholders; and the governance structure for the new unit. An update was provided to the Committee. No further correspondence has been received to date.

2. Objectives and expected outcomes

- 2.1. 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. As part of the new structure the GLA will appoint a new Assistant Director role to lead the new unit.
- 2.2. The structure of the new unit will consider recommendations from major incidents, including the Grenfell Tower Inquiry and the Manchester Arena Inquiry. In addition, the emerging recommendations from the LRF Local Authorities Panel (LAP) review, 'Regional Local Authority Response & Recovery Arrangements Governance and Capability Development', will also help inform the roles and capability required. The review aimed to identify ways to improve the local authority system's ability to address current and future risk. The review and recommendations were approved by the LRF LAP on 13

February 2024. Once agreed via the Chief Executives London Committee, a delivery plan will be produced to support implementation of the recommendations throughout 2024-25.

- 2.3. The transfer process is overseen by a governance group comprising: the LRF chair and deputy chairs; and representatives of the GLA, the LFC and London local authorities.
- 2.4. The LRG currently discharges, on behalf of the LFC, services related to the Control of Major Accident Hazards Regulations 2015; the Pipelines Safety Regulations 1996; and the Radiation (Emergency Preparedness and Public Information) Regulations 2019. It is proposed that these services remain within LFB; and that they are transferred to the Operational Resilience and Control department. 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.

3. Equality comments

- 3.1. Under section 149 of the Equality Act 2010 (the Equality Act), as a public authority, the GLA is subject to the public sector equality duty and must have due regard to the need to:
 - eliminate unlawful discrimination, harassment, and victimisation and any other conduct that is prohibited by or under the Act
 - advance equality of opportunity between people who share a relevant protected characteristic and those who do not
 - foster good relations between people who share a relevant protected characteristic and those who do not.
- 3.2. Protected characteristics under section 4 of the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (all except the last being “relevant” protected characteristics).
- 3.3. The GLA will take appropriate steps to ensure there are no potential negative impacts on those with protected characteristics in relation to the transfer of LRG to the GLA.
- 3.4. 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 for stakeholders or Londoners. All LRG team members will be transferred in accordance with the principles set out in the Transfer of Undertakings (Protection of Employment) Regulations 2006. Therefore, no direct equalities impacts are foreseen. If any equalities impacts are identified during the TUPE process, these will be considered and addressed as part of that process.
- 3.5. There is a risk following the transfer to the GLA, any future harmonisation of terms and conditions could result in changed pay – which could potentially disproportionately affect lower-paid staff. TUPE protects against this, and future harmonisation of terms and conditions would only occur if there was agreement to it from the impacted staff and relevant unions.
- 3.6. 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 either a period of informal engagement or the formal TUPE consultation process.

4. Other considerations

Key risks and issues

- 4.1. It is imperative key stakeholders are identified and there is active communication as we make the changes. Currently communication is via the London Resilience Forum and through the Transition Steering Group which is made up of the Deputy Mayor of Fire and Resilience, the chairs of LAP, the Executive Director for Strategy and Communications and the Chief Executive of London Councils
- 4.2. It is imperative all the teams are able to operate in the event of a major incident both during and after the move. No key structural changes will be made from the 1st of April 2024 and this will be managed over time, continually testing the ability to respond to any incidents and as a Category 1 responder.
- 4.3. The consultation with staff may take longer than anticipated as the terms and conditions are different between the GLA and the LFB. To mitigate this, compliance with the TUPE transfer is imperative and this is being managed jointly between the GLA and the LFB.
- 4.4. There are no conflicts of interest to declare from anyone involved in the drafting or clearance of this decision.

5. Financial comments

- 5.1. It is proposed to transfer net budget totalling up to £1.147m from LFB to the GLA, in respect of the budgeted costs of the LRG team from 1 April 2024, on a recurrent basis. The transfer will be effected by adjusting the control totals allocated to LFB and the GLA: Mayor components of the GLA Group Budget, on a recurrent basis. The transfer will be made after the publication of the final budgets, for each of those bodies, for 2024-25.
- 5.2. This cost reflects the current establishment of 21 FTE posts, with a budgeting assumption of a three per cent pay award for 2024-25. It also covers non-pay costs; and includes the continuation of existing income streams totalling £635,000 per annum, reducing the overall total.
- 5.3. The table below shows the breakdown for 2024-25.

Budget transfer from LFB to GLA	£000
Staff salaries, including all allowances	1,618
Non-pay costs	164
Gross budget	1,782
Income	(635)
Net transfer of budget	1,147

- 5.4. In addition to the above, £521,654.45 will also be transferred in respect of ringfenced Department for Levelling Up, Housing and Communities (DLUHC) London Resilience Forum funding held by LFB, once received from the City of London Corporation.
- 5.5. The DLUHC London Resilience Forum funding is a residual amount from grant funding, originally provided by the DLUHC to support London's response to the COVID-19 pandemic. The grant funding was originally paid to the City of London Corporation, which administered the funding on the LRF's behalf during the response to the pandemic. The underspent grant does not have additional conditions, and does not need to be returned to the DLUHC. It has been agreed that the underspend will therefore be transferred to the LFC, to be held on behalf of the London Resilience Forum. The intention is to use the funding to support various LRF projects. The funding will be ringfenced, to be spent on behalf of the LRF with the agreement of that forum, and will not form part of the London Resilience Unit's annual budget. Any unspent balance will be carried forward into subsequent financial years for further projects.

6. Legal comments

- 6.1. The Civil Contingencies Act 2004, the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 (the 2005 Regulations) and statutory guidance entitled 'Emergency Preparedness' provide the framework for civil protection in the UK and set out a series of requirements for local arrangements for civil protection. The legal requirements are placed on bodies designated in the Civil Contingencies Act 2004 as either Category 1 or Category 2 responders.
- 6.2. The GLA is a Category 1 responder and is required, amongst other things, to carry out risk assessments and maintain and publish plans for preventing emergencies; reducing, controlling or mitigating the effects of emergencies; and taking other action in the event of emergencies.
- 6.3. The 2005 Regulations require all Category 1 responders within a 'local resilience area' (for these purposes, Greater London) to cooperate with each other in the performance of their duties, in a single forum known as a 'local resilience forum'. In London, the local resilience forum is known as the London Resilience Forum or LRF. Its role, as described in statutory guidance, is 'to ensure that London is fully prepared to deal with the consequences of a wide range of disruptive incidents, from terrorist attacks through to the impact of climate change or a pandemic.'
- 6.4. In taking the decisions requested, the Mayor must have due regard to the Public Sector Equality Duty – namely the obligation on the Mayor to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act; and to advance equality of opportunity, and foster good relations, between persons who share a relevant protected characteristic and persons who do not (section 149 of the Equality Act). To this end, the Mayor should have particular regard to section 3 (above) of this report.
- 6.5. The LFB employees who are assigned to the services being transferred to the GLA will be transferred to the GLA in accordance with the principles set out in TUPE. LFB and the GLA will comply with the provisions of TUPE in relation to the transfer. In particular, affected employees will be informed about the transfer; and there will be consultation on any measures that are proposed as a result of the transfer.

7. Planned delivery approach and next steps

- 7.1. The formal transfer is expected to take place on 1 April 2024, subject to staff consultation process being completed by then.

Appendices and supporting papers:

Transfer of the London Resilience Group to the GLA – GLA Oversight Committee, November 2023
[London Assembly Report.](#)

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) 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 be published either within one working day after it has been approved or on the defer date.

Part 1 – Deferral

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included 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:

Niran Mothada has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Luke Bruce has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Fiona Twycross has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 11 March 2024.

INTERIM CHIEF FINANCE OFFICER:

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

Signature:



Date:

12 March 2024

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor.

Signature:



Date:

12 March 2024