



LONDON FIRE BRIGADE

Decision title

London Fire Commissioner Governance Direction 2018

Recommendation by

General Counsel to the Commissioner

Decision Number

LFC-0001-D

NO PROTECTIVE MARKING

Summary

1. In anticipation of the abolition of the London Fire and Emergency Planning Authority and its replacement by the London Fire Commissioner from 1 April 2018, the Mayor has issued a Direction to the London Fire Commissioner (LFC): the London Fire Commissioner Governance Direction 2018.
2. Report LFC-0001 outlines the effect of the Direction and recommends its adoption.

Decision

3. The London Fire Commissioner Governance Direction 2018 issued by the Mayor on 1 April 2018, and attached as Appendix 1, is received and adopted.

Dany Cotton QFSM

London Fire Commissioner

Date

1-4-18

Access to Information – Contact Officer	
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Report title

London Fire Commissioner Governance Direction 2018

Report to

London Fire Commissioner

Date

1 April 2018

Report by

General Counsel to the Commissioner

Report Number

LFC-0001

NO PROTECTIVE MARKING

Summary

1. In recognition of the abolition of the London Fire and Emergency Planning Authority (LFEPA) and its replacement by the London Fire Commissioner from 1 April 2018, the Mayor has issued a Direction to the London Fire Commissioner (LFC): the London Fire Commissioner Governance Direction 2018.
2. This report outlines the effect of the Direction and recommends its adoption.

Recommendation

3. That the London Fire Commissioner Governance Direction 2018 issued by the Mayor on 1 April 2018, and attached as Appendix 1, be received and adopted.

Background

4. Under the Policing and Crime Act 2017, the London Fire and Emergency Planning Authority (LFEPA) was abolished on 31 March 2018 and the London Fire Commissioner (the Commissioner) has been established as a corporation sole and new functional body from today, 1 April 2018.
5. As part of the new governance arrangements, the Mayor, acting as the executive of the Greater London Authority (GLA), has considered it appropriate to issue a Direction (see Appendix 1 to this report) to the Commissioner to determine how certain decisions of the Commissioner will be taken and requiring the Commissioner to include provisions relating to political restrictions in contracts of employment.
6. The Direction was drafted in consultation with senior London Fire Brigade staff and reflects (via the GLA Group Corporate Governance Framework Agreement) the Mayor's and the London Assembly's stated desire to retain current transparency arrangements, and to maintain transparency as a priority for the new organisation. The Direction also requires the Commissioner to continue to operate within the GLA Group Corporate Governance Framework Agreement, to which the LFEPA was a signatory.

7. The Direction sets out those matters requiring the Mayor's approval, those matters requiring the Deputy Mayor for Fire and Resilience's approval, and those matters on which the Deputy Mayor for Fire and Resilience needs to be consulted. It also requires the Commissioner to follow the GLA Group Corporate Governance Framework Agreement and to follow GLA practice on staff political restrictions, based on those in the Local Government and Housing Act 1989.
8. The Direction will be reviewed annually in the light of how the new arrangements operate in practice. In addition, once the Assembly's Fire, Resilience and Emergency Planning Committee is operational under the Policing and Crime Act 2017, that Committee will be consulted on the governance arrangements in place and its views fed into any annual review of the Direction.
9. The Direction requires:
 - prior approval of the Mayor to:
 - the appointment of a statutory deputy London Fire Commissioner and
 - the final proposed text of the London Safety Plan
 - prior approval of the Deputy Mayor to:
 - the acquisition or disposal of leasehold property where the lease is for a term of seven years or more
 - commitment to expenditure of £150,000 or more
 - the permanent appointment of officers of Assistant Commissioners rank and above
 - the annual budget submission prior to the Mayor's consultation budget being issued.
 - prior consultation with the Deputy Mayor on:
 - anything that requires the consent of the Mayor
 - any other decision that can be reasonably considered to be novel, contentious or repercussive in nature.
10. The Direction also requires the Commissioner to include provisions in contracts of employment to bring certain members of staff within the political restrictions provisions of Part 1 of the Local Government and Housing Act 1989 as if the Commissioner had been designated as a local authority for the purposes of that legislation.
11. The issue of such directions by the Mayor to the Commissioner is authorised by Section 327D of the Greater London Authority Act 1999 as amended by the Policing and Crime Act 2017. Under this provision the Mayor may issue guidance or general or specific directions. Such directions have to be formally adopted by the Commissioner.

Finance comments

12. The Director of Finance and Contractual Services has reviewed this report and has no comments.

Workforce comments

13. None.

Legal comments

14. General Counsel is the author of this report.

Sustainability implications

15. None.

Equalities implications

16. None.

List of Appendices to this report:

- i. The London Fire Commissioner Governance Direction 2018
- ii. The Greater London Authority (GLA) Corporate Governance Framework Agreement

GREATER **LONDON** AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2260

Title: The London Fire Commissioner Governance Direction 2018

Executive summary

Under the Policing and Crime Act 2017, the London Fire and Emergency Planning Authority (LFEPA) will be abolished on 31 March 2018 and the London Fire Commissioner (LFC) will be established as a corporation sole and new functional body from 1 April 2018. As part of the new governance arrangements, the Mayor, acting as the executive of the Greater London Authority (GLA), considers it appropriate to issue a direction to the LFC regarding how certain decisions will be taken by the LFC from 1 April 2018. The direction has been drafted in consultation with senior London Fire Brigade (LFB) staff and incorporates (via the GLA Group Corporate Governance Framework Agreement) the Mayor's and the London Assembly's stated desire to retain current transparency arrangements and maintain transparency as a priority for the new organisation.

Decision

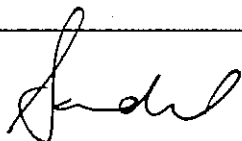
That the Mayor directs the London Fire Commissioner under section 327D of the GLA Act 1999 as set out in Appendix 1 to this decision form.

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:

21/3/18

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

Decision required – supporting report

1. The London Fire Commissioner Governance Direction 2018

- 1.1 Under the Policing and Crime Act 2017, the London Fire and Emergency Planning Authority (LFEPA) will be abolished on 31 March 2018 and the London Fire Commissioner (LFC) will be established as a corporation sole and new functional body from 1 April 2018.
- 1.2 As part of the new governance arrangements, the Mayor, acting as the executive of the Greater London Authority (GLA), considers it appropriate to issue a direction (see Appendix 1 to this decision form) to the LFC to determine how certain decisions of the LFC will be taken from 1 April 2018.
- 1.3 The direction has been drafted in consultation with senior London Fire Brigade (LFB) staff and incorporates (via the GLA Group Corporate Governance Framework Agreement – see Appendix 2 to this decision form) the Mayor's and the London Assembly's stated desire to retain current transparency arrangements and maintain transparency as a priority for the new organisation.
- 1.4 The direction sets out those matters requiring the Mayor's approval, those matters requiring the Deputy Mayor for Fire's approval and those matters on which the Deputy Mayor for Fire needs to be consulted on. It also requires the LFC to follow the GLA Group Corporate Governance Framework Agreement (as stated above) and to follow GLA practice on staff political restrictions, based on those in the Local Government and Housing Act 1989.
- 1.5 The direction is viewed as non-controversial and follows current practice in either LFEPA or the GLA. The direction will be reviewed annually in the light of how the new arrangements operate in practice. In addition, once the Assembly's Fire Committee is operational under the Policing and Crime Act 2017, that Committee will be consulted on the governance arrangements in place and its views fed into the annual review of the direction.

2. Equality comments

- 2.1 Under Section 149 of the Equality Act 2010 the Mayor must, when exercising his functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not.
- 2.2 The proposed decision does not impact on these duties.

3. Financial comments

- 3.1 The decision partly relates to sound financial management.
- 3.2 There are no specific costs arising for the GLA or the LFB.

4. Legal comments

- 4.1 The London Fire 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 London Fire Commissioner specific or general directions as to the manner in which the holder of the office of Commissioner is to exercise the Commissioner's functions, which may include a direction not to exercise a power specified in the direction.

Appendices

Appendix 1: The London Fire Commissioner Governance Direction 2018

Appendix 2: GLA Group Corporate Governance Framework Agreement

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

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:

✓

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:

David Bellamy 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 19 March 2018.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

ML D. Clarke

Date

19.3.18

CHIEF OF STAFF:

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

Signature

D. Bellamy

Date

19/3/2018

POLICING AND CRIME ACT 2017

GREATER LONDON AUTHORITY ACT 1999

THE LONDON FIRE COMMISSIONER GOVERNANCE DIRECTION 2018

BACKGROUND

- 1) On 1 April 2018, under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner ("Commissioner" or "LFC") as a statutory corporation sole and functional body within the meaning of the Greater London Authority Act 1999 ("GLA Act 1999"), as amended by the 2017 Act, replaces the abolished London Fire and Emergency Planning Authority ("LFEPA"). A statutory transfer scheme provides for the transfer of LFEPA's property, rights and liabilities to the Commissioner on that date, including for the transfer to the Commissioner of the contracts of employment of staff employed by LFEPA.
- 2) In order to provide an appropriate degree of scrutiny and accountability for the Commissioner's functions, the Mayor of London ("the Mayor") has determined in consultation with senior staff of LFEPA and the Commissioner-designate to put in place a mechanism by which the Mayor will adopt an approval function for certain matters relating to the Commissioner's governance once it becomes operational on 1 April 2018. In addition the Commissioner will uphold the GLA Group Corporate Governance Framework Agreement, to which LFEPA was a signatory.
- 3) Section 67(1) of the GLA Act 1999 as amended provides for the appointment and/ or designation of a member of GLA staff as the Deputy Mayor for Fire to whom the Mayor may delegate the functions mentioned in section 327F (1) and (3) of that Act in accordance with "Mayoral Decision-Making in the GLA" (which establishes GLA delegation and decision-making processes), as approved by the Mayor from time to time.
- 4) Under section 327D of the GLA Act 1999 the Mayor may issue to the Commissioner specific and general directions as to the manner in which the holder of the office of Commissioner is to exercise the functions of the Commissioner, which may include a direction not to exercise a power specified in the direction.
- 5) This document ("the Direction") is called the London Fire Commissioner Governance Direction 2018.

DIRECTION

- A. The Mayor of London in exercise of the powers contained in section 327D of the GLA Act 1999 hereby directs that the functions of the London Fire Commissioner shall be exercised by the holder of that office in accordance with the requirements of this Direction.
- B. The Mayor or the Deputy Mayor for Fire may give or waive any approval or consent required by this Direction and the Mayor may delegate the matters in Part 1 of this Direction to the Deputy Mayor for Fire.
- C. This Direction shall have effect from 00:00:01 on 1 April 2018.

PART 1: MATTERS REQUIRING MAYORAL APPROVAL

- 1.1 The prior approval of the Mayor is required before any of the following decisions is taken:
 - a. The appointment of the Deputy London Fire Commissioner pursuant to Paragraph 3 of Schedule 27A of the GLA Act 1999. Approval will be via a letter from the Mayor.
 - 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.

PART 2: MATTERS REQUIRING THE APPROVAL OF THE DEPUTY MAYOR FOR FIRE

- 2.1 The prior approval of the Deputy Mayor for Fire shall be obtained before any of the following decisions is taken:
 - a. The acquisition or disposal of any freehold interest or leasehold interest in land (including buildings) where the lease is for a term of seven years or more.
 - b. A commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices.
 - c. The appointment of a member of staff (other than the Deputy Fire Commissioner) to a post of the rank of Assistant Commissioner and above on anything other than on a temporary basis or in urgent circumstances (when the Deputy Mayor for Fire shall be consulted in any event).
 - d. The London Fire Commissioner makes an annual budget submission to the Mayor prior to the Mayor's Consultation Budget being issued.

PART 3: MATTERS REQUIRING PRIOR CONSULTATION WITH THE DEPUTY MAYOR FOR FIRE

- 3.1 The Deputy Mayor for Fire shall be consulted as far as practicable in the circumstances before a decision on any of the following is taken:
- a. Anything that requires the consent of the Mayor under Part 1 of this Direction;
 - b. Anything that requires the consent of the Mayor under any enactment; or
 - c. Any other 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).

PART 4: POLITICALLY RESTRICTED POSTS

- 4.1 The functions of the Commissioner shall be exercised by the office holder as regards the determination of the terms of appointment and conditions of employment of any members of staff appointed to or holding certain posts so that the requirements described in Paragraph 4.3 of this Direction are fulfilled.
- 4.2 The reference made to 'members of staff appointed to or holding certain posts' in Paragraph 4.1 of this Direction is a reference to those individuals who would be regarded for the purposes of Part 1 of the Local Government and Housing Act 1989 ("LGHA 1989") as persons holding politically restricted posts if the London Fire Commissioner had been designated as a local authority for the purposes of sections 1 and 2 of the LGHA 1989.
- 4.3 The requirements are that the terms of appointment and conditions of employment shall specify that the member of staff may not:
- a. Become or remain a member of a local authority as defined by section 21(1) of the LGHA 1989; or
 - b. Do anything that is listed in Parts 1 and 2 of the Schedule to the Local Government Officers (Political Restrictions) Regulations 1990 (SI 1990/851).

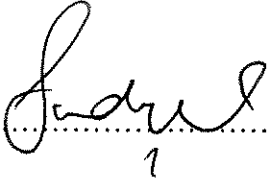
PART 5: GOVERNANCE

- 5.1 The functions of the Commissioner shall be exercised by the office holder to fulfil the commitments given by LFEPA as a signatory to the GLA Group Corporate Governance Framework Agreement.

PART 6: INTERPRETATION

6.1 In this Direction:

- a. References to the London Fire Commissioner ("the Commissioner") includes the Deputy Fire Commissioner when exercising powers and duties of the Commissioner pursuant to paragraph 3(2) of Schedule 27A of the GLA Act 1999.
- b. "London Safety Plan" refers to any document which is prepared and published by the Commissioner in accordance with the Fire and Rescue National Framework and which contains the matters described in section 327C(1)(a) and/ or (b) of the GLA Act 1999;

Signed  Date: 21/3/18

Sadiq Khan
Mayor of London

GLA Group Corporate Governance Framework Agreement

Preamble

This Agreement is made between the Greater London Authority (GLA) and its functional bodies, the London Legacy Development Corporation (LLDC), the Old Oak and Park Royal Development Corporation (OPDC), Transport for London (TfL), the Mayor's Office for Policing and Crime (MOPAC) and the London Fire and Emergency Planning Authority (LFEPA) – collectively known as the GLA Group.

It is a voluntary and firm commitment by the GLA's elected members, the Mayor's appointees, members of functional body boards, and officers, to be open, transparent and accountable for their actions and behaviour. It is also a commitment to hold to specific Mayoral and London Assembly expectations, set out below, and for the Group to interact in a way that enhances accountability and service delivery to Londoners.

This Agreement does not cover other organisations to which the GLA provides general grant funding (ie. funding for core costs rather than just specific projects). These include: London & Partners, Museum of London, MedCity, SME Wholesale Finance (London) Limited, Film London, London Design Festival and the London Waste and Recycling Board. These organisations are not functional bodies and not formally part of the GLA Group. However, the GLA sets out governance requirements in relation to each body within grant agreements where applicable

Part A: Overarching commitment

Each organisation will ensure that it promotes a culture and individual behaviours that:

- demonstrates and supports the seven core principles of public life (selflessness, integrity, objectivity, accountability, openness, honesty, leadership);
- enhances openness, transparency and accountability;
- strengthens coordination across the GLA Group; and
- ensures effective and efficient service delivery to Londoners.

Part B: Specific corporate governance commitments

Each organisation within the GLA Group will ensure that:

Decision-making

1. It has clear and codified decision making and reporting procedures, which include an explanation of how the organisation consults the Mayor on relevant decisions.
2. Decisions taken by the board and/or senior officers acting under delegated authority are recorded and published (while not all parts of the GLA Group are subject to The Openness of Local Government Bodies Regulations 2014, each body

should have an open and transparent approach, going beyond the basic statutory requirements).

Openness and transparency

3. It meets the requirements embodied in the Local Government Transparency Code and seeks to go beyond them.
4. It has a codified openness and transparency policy similar in scope and approach to the GLA's *Openness and Transparency at the GLA* document and based on the principle that all information should be accessible unless a relevant legal exemption applies or publication would be prohibitively costly.
5. Relevant papers should be provided at least 5 clear working days before committee meetings.
6. Establishes and maintains a transparency landing page on its website, through which regularly updated transparency information can be accessed, and ensures all documents falling within the terms of this Agreement are freely available and easy to find.
7. Publishes transparency data on the London Datastore.
8. Includes in its annual report information on how it has maintained and promoted transparency in the previous year.

Roles and responsibilities

9. Members and senior managers clearly understand the role and functions of other parts of the GLA Group and the proper process for interacting with the Mayor's Office.
10. A clear and robust process exists to handle in confidence any concerns arising regarding the conduct of the GLA officers appointed directly by the Mayor (the "10 plus 2").
11. Where Assembly/Board/Authority members or officers have multiple roles within the organisation or across the GLA Group, they properly discharge their functions and use resources in such capacities and avoid and manage conflicts of interests.

Codes of conduct

12. It has a code of conduct setting out the requirements for and governing the activities of its elected members and/or board members acting in their capacity.
13. It has a code of conduct setting out the requirements for and governing the activities of its staff.
14. It has clear, codified and robust systems to manage alleged breaches of either code.

Registration and declaration of interests, gifts and hospitality

15. It has a regime in place to register and declare interests and gifts and hospitality received by elected members, board members, independent persons, co-opted members, officers appointed by the Mayor and senior officers that is similar in scope and approach to the GLA's policy, with a £25 threshold for declarations. The option of additionally including offers of gifts and hospitality that were declined within the declarations policy is for each organisation to determine.

16. It makes use of the template available here [\[add link\]](#) to register any interests, to aid consistency and transparency.
17. Registers are available to other Group bodies and the public via the organisations' websites. Gifts and hospitality are reported to the relevant audit body on a regular basis and in collated form.
[NOTE: This section (15 – 17) will also be applied to those bodies directly established by mayoral decision where the members of that body are additionally appointed by the Mayor.]

Standards

18. It sets out and communicates widely details of the role of its Monitoring Officer and/or other statutory and senior officer responsible for corporate governance, as well as the systems in place to deal with Standards-related issues.
19. It will develop and maintain procedures to allow anyone to make complaints in relation to probity and conduct issues for office-holders, similar in scope and approach to the GLA's policy.

The London Assembly

20. It has a demonstrably proactive and positive approach to engaging with the London Assembly, including a proper allocation of resources to deal with Assembly queries from the London Assembly and its Members.
21. It has codified systems, made freely available, to deliver responses to priority matters (so that there is no, or much less, need for the Assembly to use its statutory powers to request information).
22. A senior-level review is undertaken during each four-year term to assess and report on the body's approach to engaging with the London Assembly and meeting points 20 and 21 above.

Correspondence and questions

23. It has in place an effective and codified process for handling correspondence from the public, press and elected politicians.
24. Information requests from committees and Assembly Members should be fulfilled within 20 working days.
25. Answers to Mayoral Questions should always be made public, not sent to Assembly Members confidentially.

Application and consistency across the Group

26. It has a specific senior post or specific senior posts with responsibility for ensuring compliance with the requirements of this agreement and maintaining and regularly reviewing related policies and procedures.
27. The codes, documents and procedures referenced in and flowing from this agreement are developed, maintained and revised in liaison with the GLA's Monitoring Officer to ensure consistency across the Group.
28. Its responsible officer will meet regularly with the other relevant officers from across the Group to promote consistency.

29. All policies and procedures falling within the terms of this Agreement are used as an integral part of the induction process for elected members, board members, independent members and officers, and that regular training on these areas is provided over time.

Mayoral Directions

30. Whilst there may be discussion and a divergence of opinion on some issues, once a statutory Direction has been issued the officers of each organisation subject to that Direction will engage with the GLA in a positive manner to fulfil the Direction's requirements promptly and in full, whilst still meeting their obligations to their own organisation.

PART C: GLA commitments

In addition the GLA will ensure that:

1. A code of practice to govern the process for Mayoral appointments (the 12 positions under section 67(1) of the GLA Act 1999) and the Mayor's appointments to functional body boards is generally available [the current code of practice can be found at [\[insert link\]](#)].
2. Information on the lines of accountability for Mayoral appointments (including those that relate to the functional bodies and whether they are appointed under s67(1)(a) or (b) of the GLA Act) are freely available.
3. The roles and responsibilities of officers appointed by the Mayor, including their objectives and areas where there are particular constraints, are contained in relevant written documents and freely available as soon as is practicable following the appointment.
4. The detailed terms of any appointment by the Mayor of any elected GLA member, including objectives and any areas where there are particular constraints, are contained in relevant written documents and made freely available as soon as is practicable following the appointment.
5. The detailed terms of any appointment by the Mayor and London Assembly of the GLA's statutory officers, including specific objectives and general responsibilities, are contained in relevant written documents and made freely available.
6. The Scheme of Delegation of Mayoral Functions is regularly reviewed, updated as necessary and published.
7. The detail of each decision taken by the Mayor through the GLA's decision-making process is made freely available shortly following the Mayor's formal authorisation, except in cases where exemption is required.
8. The detail of each decision taken by the Mayor to provide a statutory Direction or guidance to the relevant functional bodies and/or other relevant agencies is, once issued, made freely available.
9. There is a GLA Group-wide review of this document during each four-year term, led by the GLA's Monitoring Officer.

Signatories of each of the bodies and GLA:

