

**Open Report on behalf of Pete Moore, Executive Director of Finance and Public Protection**

Report to:	<b>Councillor M J Hill OBE, Leader of the Council (Executive Councillor: Governance, Communications, Commissioning, Finance and Property)</b>
Date:	<b>17 March 2017</b>
Subject:	<b>Authority to procure replacement fire appliances</b>
Decision Reference:	<b>I013045</b>
Key decision?	<b>Yes</b>

**Summary:**

Approval is sought to enable Lincolnshire Fire and Rescue (LFR) to commence procurement of 33 fire appliances as part of its fleet replacement programme. The total capital assigned to undertake the replacement programme is £7,974,813.

**Recommendation(s):**

That the Leader of the Council:

1. Approves the carrying out by the Council as Fire and Rescue Authority of a procurement process or processes to procure 33 fire appliances as part of its ongoing fleet replacement programme; and
2. Delegates to the Executive Director of Finance and Public Protection, in consultation with the Executive Councillor for Culture and Emergency Services, authority to take all decisions and approve the award and entering into of all necessary contracts and other legal documentation necessary to give effect to the said procurement.

**Alternatives Considered:**

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| 1. | Extend the replacement programme beyond 12 years and delay the procurement and therefore the expenditure. The merits of this alternative are discussed in the body of the Report. |
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**Reasons for Recommendation:**

Approval of the carrying out of a procurement will enable the Service to formally begin the process of replacing 33 fire appliances starting in 2018. This will

ensure the Service is able to maintain a standardised, modern and cost effective fleet for the future.

## **1. Background**

Prior to April 2006 Lincolnshire Fire and Rescue (LFR) was funded annually by Lincolnshire County Council (LCC) to procure and maintain its fleet of fire appliances. Although this had served the Service reasonably well, the fleet had become non-standardised due to the nature of the funding profile i.e. replacing one or two fire appliances per annum. This approach also resulted in the equipment on the appliances becoming variable across the fleet affecting efficiency and effectiveness.

In 2006, LFR entered into a 20-year Public Private Partnership (PPP) with AssetCo to provide a fully managed service for all operational assets including fleet, management, vehicles, equipment and consumables. Although this contract was terminated in 2012 due to the performance of AssetCo, it had until then been successful in standardising fleet and equipment which has been highly beneficial for the Service.

Following termination of the AssetCo contract, LCC approved a long-term capital programme for the replacement of LFR fleet and equipment. In conjunction with this, the Service let a management and maintenance contract to Lindums following an appropriate tendering process.

In 2012/13, LFR replaced 23 frontline fire appliances (approximately 40% of its fleet of fire appliances) and is due to replace the remaining 33 over a 3-year rolling programme, starting in 2018, in line with the Service's policy of fire appliance replacement after 12 years. This Report seeks approval to carry out a procurement process or processes to procure the necessary 33 appliances.

Consideration has been given to whether a 12-year replacement programme remains appropriate and it is considered to be appropriate for the following reasons:

- This is an industry standard replacement period based on, but not limited to, wear and tear of the chassis, exterior and pump, parts availability, degradation, environmental impact and technological advances.
- Extending beyond a 12 year period will have a negative impact on revenue costs associated with increased maintenance and fuel costs.
- Vehicle reliability also deteriorates with age which will increase fleet downtime and workshop attendance which again will impact on revenue costs.
- Emission standards continue to become more stringent and an ageing fleet will have an impact on the Service's ability to meet and comply with changes in legislation.

- Extending the life beyond 12 years will potentially have a negative impact on capital requirements. We have calculated, for example, that extending the programme by 2 years would increase capital costs by circa £486,000. In addition capital receipts would be significantly reduced.

For the reasons highlighted above the Service recommends the replacement of 33 fire appliances in line with the current 12 year replacement strategy starting in 2018. This would maintain a standardised, modern, cost effective and efficient fleet.

## **2. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that 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

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.

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, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The procurement of replacement fire appliances is not considered to have any direct impact on people with a protected characteristic. The new appliances are being proposed to maintain and enhance the service provided to all people in Lincolnshire regardless of protected characteristics. The choice of appliance will take into account equality considerations.

#### Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

The new appliances are being proposed to maintain and enhance the service provided to people in Lincolnshire. Those services contribute directly to the health and wellbeing of the county.

#### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

This obligation has been taken into account and the subject matter of this decision is not considered to have a direct impact on crime and disorder issues.

### **3. Conclusion**

It is recommended that the Executive Councillor for Finance approve the procurement of 33 fire appliances as part of Fire and Rescue's ongoing fleet replacement programme.

#### **4. Legal Comments:**

The Council has the power to procure the replacement appliances referred to in the Report.

The decision is consistent with the Policy Framework and within the remit of the Leader of the Council if it is within the budget.

## **5. Resource Comments:**

Budget is currently available in the approved capital programme for fleet and equipment replacement.

## **6. Consultation**

### **a) Has Local Member Been Consulted?**

N/A

### **b) Has Executive Councillor Been Consulted?**

Yes

### **c) Scrutiny Comments**

This has not been considered by a scrutiny committee.

### **d) Have Risks and Impact Analysis been carried out?**

See the main body of the Report

### **e) Risks and Impact Analysis**

See the main body of the Report

## **7. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Mick Green, who can be contacted on 01522 582203 or [mick.green@lincoln.fire-uk.org](mailto:mick.green@lincoln.fire-uk.org) .