

Buckinghamshire & Milton Keynes Fire Authority



Meeting and date: Executive Committee, 17 November 2021

Report title: Emergency Services Mobile Communications Programme

Lead Member: Councillor David Hopkins

Report sponsor: Anne-Marie Carter, Head of ICT, Transformation and PMO

Author and contact: Marie Crothers - Programme Manager mcrothers@bucksfire.gov.uk

Action: Noting

Recommendations: That this update be noted.

Executive summary:

This paper provides Members with an update regarding the latest developments in the Emergency Services Mobile Communications Programme (ESMCP). The last briefing was provided to Members in February 2021.

The ESMCP Full Business Case was formally approved by the Government's Major Projects Review Group (MPRG) on Friday 23 July 2021. A briefing regarding the Full Business Case is expected to be released by the Programme and will be made available to Members in a future paper.

Members may be interested to note that the Competitions and Markets Authority (CMA) recently launched a consultation on a proposal to make a market investigation in relation to the supply of the Airwave network and ancillary services in Great Britain. The consultation closed on 2 September 2021, and their report was published on 25 October 2021. The CMA have confirmed that a Market Investigation Referral should be made. Further developments will be reported as they become available to us.

An Independent Assurance Panel has been established to provide assurance and advice regarding several key topics that affect the strategic direction of the ESMCP. In May 2021, the Home Office requested the IAP to undertake a review of the Local user Resource model that forms the basis of the funding support provided by the Home Office to fire services to transition to the new Emergency Services Network (ESN).

Report:

The ESMCP Full Business Case was formally approved by the Government's Major Projects Review Group (MPRG) on Friday 23 July 2021. This is a key milestone and provides the needed cross-government support to move the programme into the delivery phase, however this is conditional on the programme meeting the challenges of cost, coverage scope and resilience. The programme will now pick up pace to roll-out ESN with transition now indicated as commencing no earlier than Spring 2024; and

enable Airwave switch-off by the end of 2026. A briefing regarding the Full Business Case is expected to be released and will be made available to Members in a future paper.

The Competitions and Markets Authority recently launched a consultation on a proposal to make a market investigation in relation to the supply of the Airwave network and ancillary services in Great Britain. This consultation closed on 2 September 2021, and their report was published on 25 October 2021. The CMA have confirmed that a Market Investigation Referral should be made, and an inquiry group has now been appointed.

A press release regarding the consultation including a link to the full consultation document can be seen at Appendix A. Both the National Fire Chiefs Council (NFCC) and the Local Government Association (LGA) Fire Services Management Committee (FSMC) have provided responses to the consultation, these can be seen at Appendices B and C. The report published by the CMA on 25 October 2021 can be seen [here](#).

An Independent Assurance Panel (IAP) has been established to provide assurance and advice regarding several key topics that affect the strategic direction of the ESMCP. In May 2021, the Home Office requested the IAP to undertake a review of the Local user Resource model that forms the basis of the funding support provided by the Home Office to fire services to transition to the new Emergency Services Network. One outcome of their report was a recommendation to establish an ESMCP Resources Board, which comprises representation from Home Office, the Programme, and the National Fire Chiefs Council. The Board has set up a Task and Finish Group to be chaired by the NFCC ESN Senior User which will meet for the first time in November. The first task that will be looked at is that of the roles of the NFCC led Regional Co-ordination Managers and the Programme Managers who are employed by each regional Board and how they can work together in a different way to deliver national work.

Members will recall the ongoing issue of whether the Service will require its own link into the Emergency Services Network via a link known as a Direct Network Service Provider (DNSP) link. A meeting between the Programme and representatives from all non-DNSP connected services took place in July and representatives from this service attended. Following this meeting, a further South Central (SC) regional workshop took place to agree an approach to take forward to the technical team within the Programme. This approach and a series of 12 questions have been submitted to the Programme and we await their response.

The acting Regional Programme Managers recently drafted an ESMCP presentation that was delivered to the Thames Valley Fire Control Service (TVFCS) Joint Committee in July. This was largely for update purposes but also provided a background regarding ESMCP to any Members recently introduced to the ESMCP world. This presentation can be seen at Appendix D to this document.

The South Central region has run three recruitment campaigns for a replacement Regional Programme Manager (RPM), the first two with no success. The most recent recruitment process has successfully been completed, and it is planned that the new incumbent will take on the role later in the year. The interim arrangement to cover the SC RPM role utilising the Oxon and BFRS project managers continues.

Financial implications:

As the Programme now falls under the direction of the Crime, Policing and Fire Group within the Home Office, changes have been made to its monitoring process for LTR spend for 2021/2022. These changes are being monitored by the treasurer for the South Central region, however each service is now required to make an individual return to the ESMCP Funding team rather than the regional approach that had previously been agreed.

Infrastructure funding will continue to be directed through the Fire Directorate via a business case.

Risk management:

The South Central Programme team maintains a risk register on behalf of the South Central Programme Board. The Risk Register v21 was reviewed by the three TV FRS project managers on 12 May 2021.

In line with the quarterly review schedule, the risk register was due to be reviewed by 12 August 2021. However, the NFCC have been reviewing and updating their risk register and processes, and we have also been made aware that the Programme is reviewing their process. The South Central review will be completed with a review across all documents.

Legal implications:

Buckinghamshire Fire and Rescue Service have already signed up to the principles of the ESN. Officers will continue to monitor the progress of the Programme closely and will provide challenge to the process where it is felt necessary.

Privacy and security implications:

As the Programme remains in the 'Prepare' phase, there have been no privacy issues or security implications identified. This will remain under review, particularly when the Programme moves to the 'Mobilisation' phase.

Duty to collaborate:

This Authority remains an active participant of the South Central Transition Delivery arrangements. The governance and delivery models have now been established and Buckinghamshire Fire and Rescue Service officers are involved at each level. The principle has been adopted that information is shared across all three South Central services and where appropriate, joint responses to work requests are submitted.

The South Central region is also working with the South East region and Thames Valley Police on activities such as the Coverage and Assurance work in order to achieve a consistent approach and effective use of the limited resources available.

Health and safety implications:

There are no health and safety implications perceived at this time. There is constant review of this and any issues that may arise in the future will be referred.

Environmental implications:

There are no environmental implications perceived at this time. There is constant review of this and any issues that may arise in the future will be referred.

Equality, diversity, and inclusion implications:

There have been no equality and diversity implications identified to date. As the programme progresses, further information, and a confirmed plan become available, then an Integrated Impact Assessment will be completed.

Consultation and communication:

The need to communicate and consult with all identified stakeholders is reviewed regularly. Once the Programme has entered its mobilisation and transition phases then regular communications will be established.

Background papers:

[ESMCP Update, Executive Committee 10 February 2021](#)

Appendix	Title	Protective Marking
A	CMA Consultation	None
B	NFCC response to the Competition and Market Authority consultation on the supply of the Airwave network in Great Britain	None
C	LGA response to the Competition and Market Authority consultation on the supply of the Airwave network in Great Britain	None
D	Introduction to ESMCP	None

CMA consults on market investigation into emergency services' mobile radio network

The CMA is consulting on whether to launch a market investigation into Motorola's Airwave network – the mobile radio network used by all emergency services in Great Britain.

From: [Competition and Markets Authority](#)

Published: 8 July 2021

The move follows concerns expressed about the impact of the dual role of Motorola as the owner of the company providing the current mobile radio network (Airwave Solutions) and as a key supplier in the roll-out of the planned new 'Emergency Services Network' (ESN).

The Government, the National Audit Office and the Public Accounts Committee have expressed concerns regarding Motorola's position and incentives to deliver ESN, given the continuing high profitability of the Airwave network. The Competition and Markets Authority (CMA) is particularly concerned that Motorola could stand to make excess profits of about £1.2 billion in the period from 2020 to 2026 – a cost which will ultimately fall to the British taxpayer. This issue has arisen because the planned replacement of the Airwave network with ESN has been delayed from 2019 to the end of 2026.

The CMA's initial review of the evidence available indicates that the supply of the Airwave network in Great Britain is not working well, resulting in significant detriment to customers and the taxpayer. Given the nature and significance of the issues the CMA has identified, it has reached the initial view that further investigation is needed.

Andrea Coscelli, Chief Executive of the CMA, said:

"At the moment, Motorola is the only provider of critical mobile radio network services used by our emergency service workers and is involved in both the current and future set-up. We're worried that the company could be cashing in on its position, while taxpayers are left to foot the bill.

"The CMA is minded to launch a market investigation to dig deeper into its concerns and will now consult with a range of stakeholders, including the Government, on its plans."

Motorola gained its dual role by purchasing Airwave in February 2016, two months after it had entered into a contract with the Government to provide software for ESN, intended to replace Airwave. The merger was cleared by the CMA, in part because of the expectation of the Government that the Airwave network would be shut down by 2019.

While the probe is still in early stages, the CMA has identified two potential solutions in its consultation that may, in principle, be available should a market investigation confirm its initial concerns: regulate Motorola's rate of return in relation to the Airwave network or require Motorola to sell the Airwave network.

The CMA is required to consult before making a market investigation reference. Following its consultation, which is open until 2 September 2021, the CMA will decide whether to launch a market investigation.

[Proposal to make a market investigation reference \(publishing.service.gov.uk\)](#)



NFCC
National Fire
Chiefs Council

The professional voice of the
UK Fire & Rescue Service

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For the attention of:

Stephanie Canet,
Director, Markets
Competition and Markets Authority
The Cabot, 25 Cabot Square
London
E14 4QA

By email

02 September 2021

Dear Sir / Madam,

Response to the Competition and Market Authority Consultation On the Supply of the Airwave Network in Great Britain

The National Fire Chiefs Council (NFCC) is an overarching body that has a unique role in representing all fire and rescue services (FRS) in the UK on the national stage with one voice for maximum impact, harnessing the knowledge and expertise across the country and bringing it together for the benefit of all. The NFCC is a non-political organisation and is committed to supporting FRSs as they seek to improve service delivery at a local level. Safety is at the heart of what FRSs do; they provide a 24/7 insurance policy for communities and require excellence in systems that support this endeavour. The collaboration that the NFCC can encourage, negotiate and support with stakeholders from within the Fire and Rescue Service and beyond recognises that solutions and risk go beyond organisational boundaries, at a national or even international level.

The NFCC welcomes the opportunity to be invited to respond to the Competition and Markets Authority's (CMA) consultation on the Proposal to make a market investigation reference (MIR) the Mobile radio network for the emergency services. At this juncture, it is pertinent for the NFCC to highlight that for the main Firelink contract [the Airwave contract for the Fire and Rescue Service], the Home Office is the contract holder. Fire and Rescue Services (FRS) are users of the Airwave system and financially contribute to the overall cost paid for the Firelink contract and therefore have an interest in value for the public purse and local tax payers. There are instances whereby FRSs have procured some elements of an Airwave service or provision outside of the main contract and maybe classed as contract holders in this context, but, in terms of the Firelink contract, this represents a small proportion of the overall totality.

The information and analysis within the CMA's consultation documents details a comprehensive picture of a complex and long standing situation, and one where the NFCC recognises the accuracy and pertinence of many aspects. As set out in the documentation, the CMA makes a compelling case to undertake a market investigation reference (MIR) relating to the Airwave network.

Whilst the CMA consultation appears to quote 2019 as being the original end date for Airwave contracts, the NFCC believe that this should in fact read the end of 2016 for the end date of the (original) Firelink contract. The implication of this being that the Firelink contract and any advantage described by the CMA could potentially last for 10 years to the end of 2026, double the life of the original contract with consequential implications for FRS budgets and the public purse accordingly.

Specific examples and instances that the NFCC considers have relevance to any reference the CMA may undertake are to be found at appendix A, and the NFCC considers that these should not be for public disclosure. The Airwave Management Team at the Home Office, representing the Firelink contract holder, should be able to furnish much of the further detail and documentation relating to these.

The NFCC are open minded to any remedy that may emanate from a reference or that may be offered in lieu. Ultimately, the NFCC's priorities in this area revolve around the continuance of a mission critical, secure and resilient communications system to support the vital work that FRSs do allied to the cost of this to the public purse. The NFCC's view is that any reduction in cost, savings or other remedy must not be to the detriment of standards or quality of service of current or future essential communications systems.

Concerns have existed within FRSs for some time regarding Motorola's position in holding key contracts for both the current and future emergency services communications provision. This has inevitably incorporated perceptions of a perverse incentive in seeking to extend the elements that are more profitable and as such more costly to the public purse. Should the CMA undertake a MIR it will assist in clarifying this position and aid FRSs in delivering, and being assured about, value for the public purse.

Should you require further information or engagement with the NFCC or individual FRSs, please contact either Assistant Chief Officer Ben Norman, the Operational Communications Strategic Lead for the NFCC [bennorman@lancsfirerescue.org.uk], or Assistant Chief Fire Officer Ian Taylor, the NFCC's Deputy Lead for Operational Communications and Senior User for the Emergency Services Mobile Communications Programme [ian.taylor3@homeoffice.gov.uk].

Yours sincerely



Ben Norman

Assistant Chief Fire Officer
Director of Strategy and Planning
Lancashire Fire and Rescue Service

Operational Communications Strategic Lead for the National Fire Chiefs Council

Competition and Markets Authority: Mobile radio network for the police and emergency services

August 2021

1. About the Local Government Association

- 1.1. The Local Government Association (LGA) is the national voice of local government. We work with councils and fire and rescue authorities (FRAs) to support, promote and improve local government. We are a politically-led, cross-party organisation, which works to ensure local government has a strong, credible voice with national government.
- 1.2. This response provides you with the view of the LGA's Fire Services Management Committee (FSMC).

2. Key issues

- 2.1. The FSMC has had long held concerns around the delays to Emergency Services Network (ESN) and the many implications, including financial, as a result. We have always highlighted particular concerns around the costs FRAs with the transfer to the ESN. We are therefore supportive of your aim to understand whether there have been adverse effects on competition in the supply of the Airwave network.
- 2.2. With the continued delays to the introduction of the ESN, perceptions of Motorola having a perverse incentive to keep extending the Airwave service at considerable expense to the public purse have been prevalent for some time and a concern for FRAs and the FSMC. The proposed Market Investigation Reference (MIR) relating to the Airwave network will aid in identifying if these concerns are founded, and, if so, to what degree, and what may be done to redress the balance for the public purse, especially if money is being unfairly paid to Airwave rather than on frontline emergency services.
- 2.3. We understand that the NFCC will be providing you with more detailed feedback on the issues that have faced the sector and we are supportive of their work.

Contact

Lucy Ellender

Senior Adviser

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Submission

Emergency Services Mobile Communications Programme



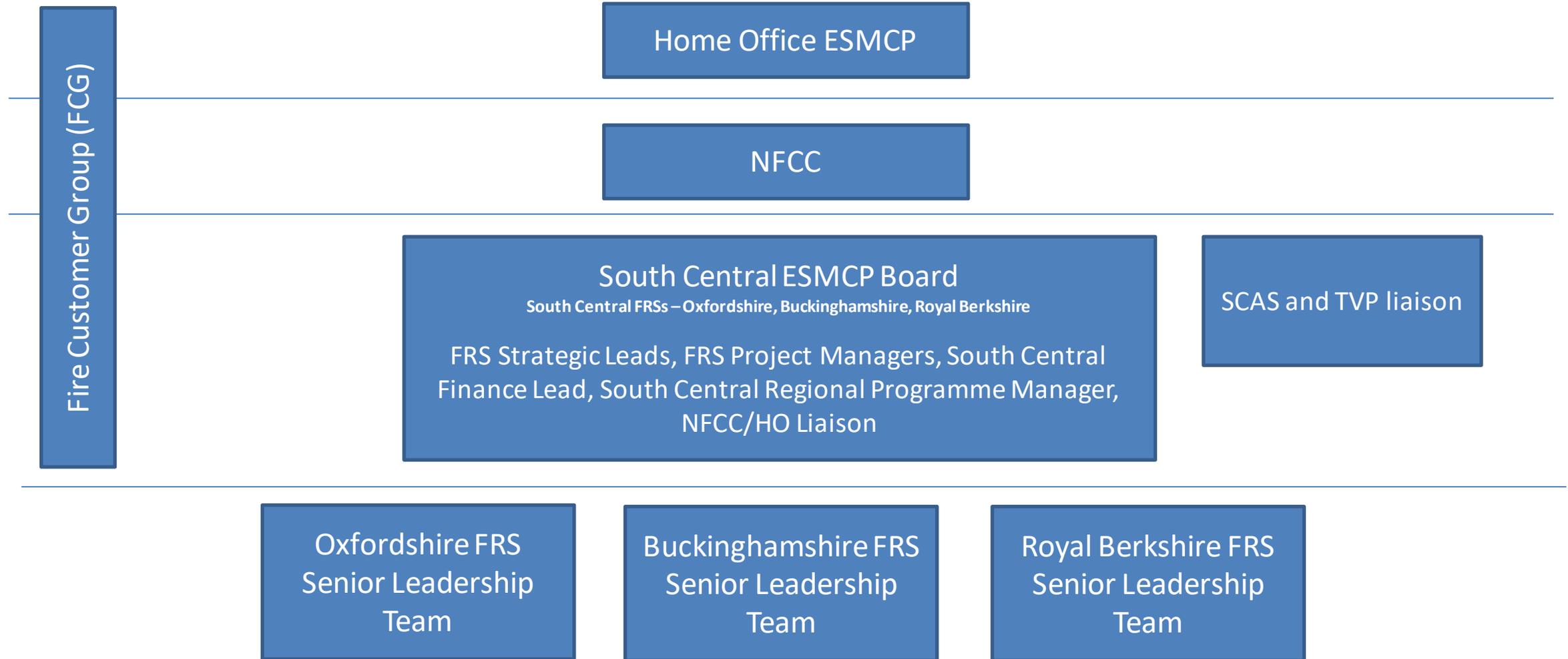
ESMCP v ESN

- **Airwave** - our existing radio communications system, provided by Motorola
- **ESN** - Emergency Services Network - this is the name given to the network which will replace Airwave.
- **ESMCP** - Emergency Services Mobile Communications Programme - this is the name of the Home Office project.

Why Change?

- Airwave is expensive when compared with other services
- Airwave cannot provide broadband data services, so will not be able to support future technology
- EU legislation required a re-competition
- Contract was due to expire Dec 2019

Local Governance



Full Business Case (FBC)

- Original Business Case released in 2015
 - All current Airwave users strongly advised to sign up to the ESMCP
 - Sign-up packs advised that ESN would be cheaper to FRAs than continuing with Airwave
 - Sign-up packs indicated that full national transition to ESN expected for completion by Jan 2020
- Revised drafts FBC released for consultation April 2021
- Accepted, with caveats, by the Fire Customer Group on 17 June 2021 that the Full Business Case would meet the sector's operational requirements

Current Programme Approach

- Product Driven Adoption
- Customer Focussed
- Change Programme
- Service Roadmap Adoption
- Airwave Offboarding

As at June 2021

- Full Business Case (FBC):
- Revised drafts released for consultation April 2021; approved with caveats by Fire Customer Group on 17 June 2021; government sign-off July 2021
 - Timescales extended - transitions to ESN to commence Spring 2024; Airwave switch-off Dec 2026
 - ESN costs projected to be £0.9Bn lower overall than Airwave, but
 - Local FRS cost increases likely due to loss of section 31 grants
 - Net Impact could be as high as £150k for each FRS - further refinement is required
 - The programme SRO will raise with Treasury, aiming to ensure that no local FRS is worse off as a result of migrating to ESN
 - Local FRS should monitor this closely as a potential financial risk
 - Any adverse impact unlikely to manifest before 2024/25 financial year

As at June 2021

- Big ticket issues:
- Network resilience - current Airwave resilience too expensive to replicate for ESN
 - Coverage - especially in-building - not covered in government contract with EE and cost responsibility unclear
 - Potential timescale and resource clashes for FRSs' implementations of technology changes for ESMCP v. business-as-usual works (e.g. Control contracts/refresh)
 - Ongoing degradation of legacy technology
 - Potential budget implications of expense of ESN to FRAs, for the long term
 - Lack of clarity on any additional ESN delivery costs to be met by FRAs
 - Lack of confidence in the ESMCP ability to deliver