

Update on the Emergency Services Mobile Communications Programme

Purpose of report

For information.

Summary

This report provides an update on the Emergency Service Mobile Communications Programme (ESMCP) following previous updates to the committee in March and May 2021 and highlights areas which may be of interest to Fire and Rescue Authorities and the LGA.

Recommendation/s

1. That the FSMC note the content of the report.
2. That the FSMC acknowledges advice that FRAs may be best placed not to anticipate any Airwave related savings at this time as the Competition and Markets Authority (CMA) findings are still preliminary at this stage

Action/s

That the FSMC seeks a further update on ESMCP in the future.

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Update on the Emergency Services Mobile Communications Programme

Background

1. The Emergency Service Mobile Communications Programme (ESMCP) will provide the next generation of mission critical communications for the emergency services in Great Britain. This will in part replace the current Firelink [Airwave] provision, as well as providing secure and resilient mobile broadband capability with near universal coverage across the country. ESMCP is a cross Government Programme led by the Home Office, but also involving the Department for Health and Social Care, Scottish Government and Welsh Government.
2. The product of ESMCP will be the Emergency Services Network (ESN) and two key contracted lots, with one being provided by Motorola (Lot 2), and the other EE (Lot 3), the latter providing much of the network coverage. A host of other contracts are held by the Home Office and provide the other component parts that together will form the ESN.
3. The Fire Service's approach to ESMCP governance is mainly focussed through the NFCC's ESMCP Fire Customer Group (FCG) chaired by the NFCC's lead for Operational Communications, Deputy Chief Fire Officer Ben Norman from Greater Manchester. The LGA is represented on FCG by Cllr Eric Carter from Shropshire and Wrekin FRA.
4. The previous update to the Fire Services Management Committee (FSMC) was on 21 May 2021 and was primarily focussed on the ESMCP Full Business Case (FBC) which was progressing through the various stages of scrutiny and governance and was subsequently approved in August 21. The NFCC ESMCP Senior User wrote to FSMC leads early in November 2022.

Programme Update

5. In early November, Motorola announced their intention seek agreement with the Home Office to end their ESN contract early, rather than letting it run until its natural end date of Dec 2024. Consequently, the Programme [ESMCP] are now considering their options with regard to a procurement exercise to replace that supplier, and market engagement for provision of user services (Lot 2) for ESN is currently underway.
6. At this stage, more precise detail is simply not available, however any such procurement exercise will naturally take time. This will inevitably have a knock-on effect on the overall timeline for the delivery of ESN, and ultimately for the transition of FRSs onto ESN, and off the current Airwave provision. As a result of this, the current level of resource assigned to ESMCP work with the Service is currently subject to review.

7. As previously highlighted to FSMC, a small number of FRSs had been making good use of early ESN capabilities, both to deliver mission critical services, and also to aid in proving and understanding ESN to ensure it delivers the what FRSs will need into the future to deliver their work. Given the prognosis for the medium term, those FRSs are actively considering options to cease using ESN services for the time being.
8. In other areas of the Programme work continues on, and EE have made significant progress in upgrading coverage to meet their contractual requirements. Testing and assurance of EE coverage is being undertaken by the three emergency services (3ES) and the Programme with over 375,000 km of roads being drive tested to date, representing 2/3 of all GB roads. In addition, there is work underway to assess some 16,000 sites that have been identified as critical operational locations where at least one of the 3ES has determined must have adequate coverage. Of the nearly 3,000 tested so far, only 8% fell short of the coverage required.
9. The Programme are providing additional coverage in more remote rural areas through the Extended Area Services (EAS) project. This delivers sites in remote areas such as national parks, moorlands, etc. Some of this EAS coverage will also be incorporated into the Shared Rural Network (SRN), a wider Government endeavour to bring broadband mobile telephony to harder to reach and previously commercially unviable areas.
10. Naturally, there will be questions as to the Programme's future and viability. The strategic case for ESN remains valid as there is a technological imperative to transition off Airwave and onto a new technology before Airwave becomes obsolete and unreliable. Ultimately some form of communications programme would need to be initiated in order to replace Airwave before it becomes obsolete and unreliable.

Airwave Sustainability and Performance

11. The above will inevitably generate questions around the current Airwave system and its longer-term viability. In a letter to Ben Norman, NFCC Operational Communications Lead, Simon Parr, the ESMCP Senior Responsible Owner, reiterated a Home Office commitment to ensuring the continued availability of Airwave for as long as the 3ES require it, and not to prematurely move the 3ES off Airwave until ESN is safe and fit for purpose.
12. The current Airwave contract was recently extended by the Home Office until the end of 2026 and there are options to extend further. Recent and planned technology upgrades will extend the life of the Airwave network and should enable it to keep running for longer, but it is recognised that it will not last indefinitely. Assurance and oversight of sustainability measures, in addition to normal operations and performance of the Airwave network, is being undertaken by Home Office. All of which should provide the assurance that Airwave will remain fit for purpose and not impede FRAs in satisfactorily discharging their statutory duties.

13. Locally, FRSs will be undertaking work to upgrade aspects of Control Rooms to accept a new piece of Airwave technology to replace equipment that will be obsolete at the end of 2023 (SAN G and SAN H). Additionally, an Airwave led Programme will be replacing the SAN C/J handheld (radio) devices in FRSs over the next year, and this should have minimal financial implications for FRAs.
14. All of which should provide a degree of assurance that the Airwave system will remain fit for purpose and not impede FRAs in satisfactorily discharging their statutory duties.
15. The Airwave system continues to perform well. Airwave provided significant and exemplary support to the 3ES during Operation London Bridge, the arrangements for the funeral of the late HM the Queen and was their largest and most sustained operation in their history. This included increasing capacity and undertaking short notice upgrades to the network to provide a reliable service to agencies and the significantly higher numbers of staff and users involved in this internationally significant event.

Competition and Markets Authority Investigation into 3ES Mobile Radio Supply

16. To add a further layer of complexity, the preliminary report from the Competition and Markets Authority (CMA) from an investigation into the supply of mobile radio networks for the 3ES was published in October. Aside from pricing concerns, a fundamental aspect within their investigation is considering whether Motorola's dual role in supplying the Airwave system and also being key supplier within the ESN has had a bearing. The CMA concluded that:

'We are accordingly minded to assess the evidence as showing that Motorola's business strategy is consistent with its direct and wider financial and strategic incentives to keep the Airwave Network operational and to continue developing LMR systems for as long as possible given the profitability of both. Those factors are consistent, in our provisional assessment, with a dulling of its incentives to deliver [ESN] Lot 2 effectively and efficiently'

17. The other headlines from the CMA investigation are:
 - Home Office and emergency services appear to be locked in with monopoly provider
 - Provisional assessment finds lack of competition is allowing Motorola to make around £160 million excess profits a year out of 3ES contracts with a value circa £475 million pa
 - CMA proposes price control on Airwave Network from 2023 to ensure lower cost for taxpayers
 - Long-term future of the Airwave Network to be resolved by the Home Office
18. Whilst the CMA's findings appear to offer some promise financially, FRAs may be best placed not to anticipate any Airwave related savings at this time as the CMA's findings

are still preliminary and there remains a risk of challenge which could delay remedies being implemented.

Funding

19. At the very outset of the ESMCP journey the English FRSs, through Fire Customer Group, agreed a set of funding principles with Government Department, the then DCLG, to ensure that Fire Authorities would not be disadvantaged in the transition from Airwave to the new ESN technology. Since 2016 nearly £50m has been issued to FRAs by means of Sec. 31 grant in line with the following principles:

- Funding will be available for equipment to be replaced on a like for like basis
- No additional costs to be borne by FRSs for dual running
- Reasonable costs for transition will be provided by Government Department

20. It was never intended that the period in which grants were issued, or funds held by FRAs, to be so long. Currently, circa £22 million remains with FRAs and it is still the intention for it to be used for ESMCP resourcing and infrastructure purposes in the future. This will continue to be subject to ongoing financial reporting to the Home Office against spend.

Implications for Wales

21. Fire is a devolved function for the Welsh Assembly. There is direct representation into ESMCP through the Welsh Senior User for ESMCP working through the Welsh Joint Emergency Services Group (JESG), and who works closely with counterpart Senior Users from all user communities. Notable differences in approach from the respective Government Departments, particularly around funding, are highlighted in the paper, and any specific queries should be directed to the Welsh Senior User accordingly.

Financial Implications

22. As previously highlighted, the Home Office is aware that English FRAs have concerns that the cost to them individually as an FRA might be higher once the Firelink grant ceases. The Home Office and NFCC are aware of this concern and will ensure that any pressures are fully considered and factored into the forthcoming Spending Review (SR).

Background Papers

Emergency Services Mobile Communications Programme (ESMCP) update for FSMC
05 Mar 2021 and 21 May 2021