

Fire Services Management Committee

Agenda

Friday, 22 June 2018
11.00 am

Smith Square Rooms 1&2, Local
Government House, Smith Square, London,
SW1P 3HZ

To: Members of the Fire Services Management Committee
cc: Named officers for briefing purposes

www.local.gov.uk

This meeting is



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Fire Services Management Committee
22 June 2018

There will be a meeting of the Fire Services Management Committee at **11.00 am on Friday, 22 June 2018** Smith Square Rooms 1&2, 18 Smith Square, London, SW1P 3HZ.

A sandwich lunch will be available after the meeting.

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Apologies:

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting.

Conservative:	Group Office: 020 7664 3223	email: lgaconservatives@local.gov.uk
Labour:	Group Office: 020 7664 3334	email: Labour.GroupLGA@local.gov.uk
Independent:	Group Office: 020 7664 3224	email: independent.grouplga@local.gov.uk
Liberal Democrat:	Group Office: 020 7664 3235	email: libdem@local.gov.uk

Location:

A map showing the location of 18 Smith Square is printed on the back cover.

LGA Contact:

Benn Cain
0207 664 3231 / felicity.harris@local.gov.uk

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Fire Services Management Committee – Membership 2017/2018

Councillor	Authority
Conservative (6)	
Cllr Rebecca Knox (Deputy Chair)	Dorset and Wiltshire Fire and Rescue Service
Cllr Jason Ablewhite	Huntingdonshire District Council
Cllr John Bell	Greater Manchester Fire and Rescue Authority
Cllr Nick Chard	Kent and Medway Fire and Rescue Authority
Cllr Mark Healey MBE	Devon and Somerset Fire and Rescue Authority
Cllr Simon Spencer	Derbyshire Fire and Rescue Authority
Substitutes	
Cllr Tony Hunter	North Hertfordshire District Council
Cllr Roger Reed	South Bucks District Council
Labour (6)	
Ms Fiona Twycross AM (Vice-Chair)	London Fire and Emergency Planning Authority (LFEPA)
Cllr David Acton	Trafford Metropolitan Borough Council
Cllr Les Byrom CBE	Merseyside Fire and Rescue Authority
Cllr John Edwards	West Midlands Fire and Rescue Authority
Cllr Judith Hughes	Kirklees Metropolitan Council
Cllr Kevin Dodds	Gateshead Metropolitan Borough Council
Substitutes	
Cllr John Robinson JP	Durham County Council
Cllr Brian Grocock	Nottingham City Council
Liberal Democrat (1)	
Cllr Keith Aspden (Deputy Chair)	North Yorkshire Fire & Rescue Service
Substitutes	
Cllr Stuart Bray	Hinckley & Bosworth Borough Council
Independent (1)	
Cllr Ian Stephens (Chair)	Isle of Wight Council
Substitutes	

LGA Fire Service Management Committee – Attendance 2017-2018

	22/9/17	17/11/17	26/1/18	12/3/18
Councillors				
Conservative Group				
Rebecca Knox	No	Yes	Yes	Yes
Jason Ablewhite	Yes	No	Yes	No
John Bell	Yes	Yes	Yes	Yes
Nick Chard	Yes	Yes	Yes	No
Mark Healey MBE	Yes	No	Yes	Yes
Simon Spencer	No	Yes	Yes	Yes
Labour Group				
Fiona Twycross	Yes	Yes	Yes	Yes
David Acton	No	Yes	No	Yes
Les Byrom CBE	Yes	Yes	Yes	Yes
John Edwards	Yes	Yes	Yes	Yes
Judith Hughes	No	Yes	Yes	No
Thomas Wright	Yes	Yes	Yes	N/a
Kevin Dodds	N/a	N/a	N/a	Yes
Lib Dem Group				
Keith Aspden	Yes	Yes	Yes	Yes
Independent				
Ian Stephens	Yes	Yes	Yes	Yes
Substitutes				
Tony Hunter	Yes			
John Robinson JP	Yes		Yes	Yes
Roger Reed		Yes		

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Labour Group				
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Les Byrom CBE	Yes	Yes	Yes	Yes
John Edwards	Yes	Yes	Yes	Yes
Judith Hughes	No	Yes	Yes	No
Thomas Wright	Yes	Yes	Yes	N/a
Kevin Dodds	N/a	N/a	N/a	Yes
Lib Dem Group				
Keith Aspden	Yes	Yes	Yes	Yes
Independent				
Ian Stephens	Yes	Yes	Yes	Yes
Substitutes				
Tony Hunter	Yes			
John Robinson JP	Yes		Yes	Yes
Roger Reed		Yes		

Agenda

Fire Services Management Committee

Friday 22 June 2018

11.00 am

Smith Square Rooms 1&2, Local Government House, Smith Square, London, SW1P 3HZ

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Date of Next Meeting: Thursday, 20 September 2018, 11.00 am,

Kerslake Report: Fire and Rescue Service Actions

Purpose of report

For discussion.

Summary

The Kerslake Report examined the emergency response to the Manchester Arena Bombing.

Roy Wilsher, Chair of the National Fire Chief's Council will attend the meeting to outline the how the Fire and Rescue Service are responding to the learning from the report.

The full report can be found [here](#).

This report from the Marauding Terrorist Firearms Attack Working Group, provides background to the discussion.

The NFCC's Kerslake Report: Fire and Rescue Service Actions is also appended to this item (**Appendix A**).

Recommendation

That the FSMC comments on the findings and recommendations and provides suggestions to further work if necessary.

Action

Officers to incorporate member's comments into their work programme.

Phone no: 0207 859 4482

Email: roy.wilsher@nationalfirechiefs.org.uk



MTFA National Working Group

Agenda Item Number		Date	
Kerslake Report: Fire and Rescue Service Actions			

To	
Issued By	

Summary

Following the Manchester Arena attack on 22nd May 2017; Andy Burnham (Metro Mayor of Greater Manchester) initiated a review into the response. A panel was assembled chaired by Lord Bob Kerslake, the former Head of the Civil Service. The panel's task was to identify both what went well following the attack in addition to major issues for learning. The subsequent findings of that review were published 27th March 2018 and are referred to within what has become known as the ***Kerslake Report***.

Within the report are a series of recommendations specifically categorised into 'themes':

- Local Multi-Agency Recommendations
- Fire and Rescue Services Recommendations
- Greater Manchester Police Recommendations
- National Emergency Response Recommendations
- Press and Media in Emergencies

On first reading it may appear that the recommendations for the Fire and Rescue Service are solely contained within the Fire and Rescue Services' section of the report; however, further analysis has shown clear commonality within areas associated with interoperability and partner working that are fundamental at major incidents such as this. Consequently, this report seeks to summarise all recommendations considered relevant and present them for discussion and ratification via the NFCC Operations Coordination Committee.

The recommendations are presented in tabular format under the following headings:

- Fire and Rescue Service Recommendations
- Multi-Agency Recommendations

To ensure a broader Fire and Rescue Service context is presented; some of the original wording from the Kerslake Report has been amended to reflect the intent to address the recommendation within the Fire and Rescue Service nationally. Such amendments are shown in the wording of the recommendation in ***red bold italics***.

The Manchester response is being conducted through the Local Resilience Forum. No Government department is taking responsibility for any of the recommendations so there is a need to co-ordinate between –

- Manchester LRF Response
- JESIP multi-agency work
- FRS specific recommendations
- Review of MTFA Joint Operating Principles (JOP)

Contacts	Phone Number	Email

Reference Documents	Reference Number
<i>The Kerslake Report: An independent review into the preparedness for, and emergency response to, the Manchester Arena attack on 22nd May 2017</i>	Published 27 th March 2018



Fire and Rescue Service Recommendations

No	Kerslake Report Recommendation	Date Opened	Progress update	Date Closed
01	Whilst the Panel acknowledges that Greater Manchester Fire and Rescue Service and North West Fire Control have made alterations to the role of the National Inter-Agency Liaison Officer and Pre-Determined Attendance (PDA) protocols for terrorist-related and suspected terrorist-related incidents; FRS and their respective control rooms should test and further review these protocols to ensure they will be effective and always allocate a 'command structure' to the incident and a National Inter-Agency Liaison Officer to act as Tactical Advisor to the incident commander (Ref 5.166 of the report).	27 th March 2018	NFCC NILO position statement agreed at the Operations Coordination Committee 18 th April Review of MTFA ConOps and NOG initiated to remove any reference to the NILO in a command role.	
02	All Fire and Rescue Services utilising multi-service/multi agency Control as their call management and resolution service should review their service level agreements and build resilient contingencies and capabilities within their control to enhance the development of multi-agency shared situational awareness, which can most effectively inform their Fire Service command, control and coordination during no-notice major incidents (Ref 5.212 of report).			
03	All FRS operational personnel should be sufficiently trained and equipped to attend a nominated multi agency rendezvous point during terrorist-related and suspected terrorist related incidents (Ref 5.212 of report).			
04	FRS in collaboration with their respective control rooms ; should revise their policies and procedures (including action plans) for Bomb, Explosion and Marauding Terrorist Firearms Attack to ensure that greater emphasis is placed on multi-agency co-location, communication and			

	coordination (Ref 5.212 of report).			
05	FRS should review the procedures, protocols and expectations that underpin communications links between its Inter- Agency Liaison Officers, Police Force Duty Officers and other partners' control rooms and critical response assets (e.g. Hazardous Area Response Teams) (Ref 5.212 of report).	27 th March 2018	NFCC NILO position statement agreed at the Operations Coordination Committee 18 th April Review of MTFA ConOps and NOG initiated to remove any reference to the NILO in a command role.	
06	The National Fire Chiefs' Council and FRS should revise all policies, procedures and training for National Inter-Agency Liaison Officers and Incident Commanders to ensure that greater emphasis is placed on embedding multi-agency co-location, communication and coordination during major incidents into standard operating procedures (Ref 5.212 of report).	27 th March 2018	NFCC NILO position statement agreed at the Operations Coordination Committee 18 th April Review of MTFA ConOps and NOG initiated to remove any reference to the NILO in a command role.	
07	All agencies and specifically the FRS need to ensure a suitable level of competence and experience is underpinned by relevant training and preparation in multi-agency command, control and communication for all their relevant staff to ensure effective responses are delivered when normal or more extraordinary events happen (Ref 5.212 of report).			

Multi-Agency Recommendations				
No	Kerslake Report Recommendation	Date Opened	Progress update	Date Closed
08	Potential Strategic Coordinating Group Chairs should pursue a clear objective to undertake a Strategic Coordinating Group update briefing (physically or virtually) within two hours of the declaration of a major incident (Ref 5.43 of report).			
09	Local Resilience Forum members should investigate ways to increase their own personnel's understandings of their partner agencies' procedures and operational priorities during the first 30 minutes to one hour of a major incident (Ref 5.73 of report).			
10	All emergency services should consider developing a capability to give their staff rapid access to basic frameless canvas stretchers to enable rapid movement and evacuation of casualties during terrorist attacks or other high-threat or dynamic-hazard incidents (Ref 5.88 of report).			
11	All planning assumptions and training in respect of preparing for and responding to terrorist attacks in public places should include realistic contingencies for public involvement in casualty care, treatment and evacuation within all incident zones (Ref 5.115 of report).			
12	Local Resilience Forum members should clarify their joint operating procedures in relation to the declaration of multi-agency forward control points, rendezvous points and marshalling arrangements during terrorist incidents and suspected terrorist incidents (Ref 5.172 of report).			
13	All Local Resilience Fora should review their planning assumptions and expectations in relation to multi-agency communications during major incidents. Emphasis should be			

	placed on identifying potential single points of failure in communication networks (i.e. technological and command) and building in resilience and/or alternative contingencies to avoid such failures (Ref 5.212 of report).			
14	Local Resilience Forum members should develop contingencies to enable METHANE messages to be shared directly between partner agencies' control rooms immediately upon receipt of a message from the incident scene (Ref 5.212 of report).			
15	Local Resilience Forum members should adopt the common understanding of specific terms and phrases which impact on multi-agency working that is defined within the Lexicon of UK Civil Protection Terminology (e.g. rendezvous point, forward command point, holding area) (ref 5.212 of report).			
16	Local Resilience Forum members should conduct a review of their planning assumptions in relation to multi-agency working, up to and including scenarios for all plausible worst-case major incidents (Ref 5.212 of report).			
17	The response to the Arena attack provided an extraordinary validation of the on-going work within the UK civil protection sector to embed the JESIP Interoperability Framework into practice. Where responders were able rapidly to co-locate, communicate and coordinate their activities, situational awareness was usefully shared, risks were jointly assessed, and pragmatic solutions were developed to mitigate severe, time critical, challenges. Where unforeseen limitations in guidance, protocol and circumstance collided to block such close collaboration, the response of the organisation affected was paralysed for a			

	crucial period. Accordingly, it is the Panel's belief that the findings of the Review should provide a critical stimulus for responders nationally to reassess all plans and protocols that include assumptions of interoperability during major incidents, for the response to the Arena attack provides undeniable evidence that such assumptions need to be vigorously tested (Ref 5.212 of report).			
18	Operation PLATO should be reviewed and modified as deemed necessary to inform the response to any form of terrorist attack and be referred to as the Joint Operating Principles for Responding to a Terrorist Attack, regardless of whether firearms are thought to be involved (Ref 5.231 of report).			
19	A national review of the possibility of accrediting charities to deliver effective services in the response to an emergency should be undertaken, avoiding the accreditation process becoming too burdensome for the charities concerned but including a requirement to plan with Local Resilience Fora ahead of emergencies (Ref 5.243 of report).			
20	Emergency plans for major incidents should incorporate comprehensive contingencies for the provision of mental health support to adults, children and young people, families and responders (Ref 5.254 of report).			
21	First response agencies and local authorities should review the resources available to their Press Offices in response to a major incident and consider whether adequate arrangements are in place to flex capacity quickly if further support is needed to deal with the demands of the media. This could be done by mobilising mutual aid from other Police Forces and partner organisations,			

	including academic institutions with particular experience of social network messaging and communication. Consideration should also be given to allocating sufficient dedicated press handlers at key sites (Ref 5.266 of report).			
22	Operators of all key/iconic sites should be actively encouraged and enabled to participate in Local Resilience Forum planning, training and exercising (Ref 5.273 of report).			
23	All agencies should be minded to explore the use of encrypted social media in improving their internal emergency activation arrangements, together with their internal communication systems for updating staff during an emergency (Ref 5.287 of report).			

Emergency Services Mobile Communications Programme Update

Purpose of report

For information.

Summary

The report provides an update on the progress of the Emergency Services Mobile Communications Programme (ESMCP).

Recommendation

Members to note the update.

Action

Officers to note members' comments and views and take action accordingly.

Contact officer:	Ian Taylor
Position:	NFCC Business Change Lead (ESMCP)
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Emergency Services Mobile Communications Programme Update

Background

1. Members may recall the Update that was given on the Emergency Services Mobile Communications Programme (ESMCP) in the [November 2017 FSMC Update paper](#). This is a programme to deliver a modern communications system for the emergency services and in part is a replacement to the existing FireLink communications system which has been provided by Airwave across Great Britain for over 12 years. It will also deliver a secure and resilient mobile broadband capability for emergency services' use. The Programme is centrally funded by the sponsoring Government Departments and is run by the Home Office as the lead department, and the Minister for Police and the Fire Service as its sponsoring Minister. The resultant system will be called the Emergency Services Network (ESN).
2. Since that briefing to FSMC the ESMCP is embarking upon a considerable reset in undertaking a comprehensive re-planning exercise with suppliers and users, a revision to figures in the original full business case (FBC) and an organisational restructure. A new Programme Director, Bryan Clark, was appointed in March 2018 bringing with him an extensive background in delivering change and digital programmes for Government and also in the private sector. Consequently, under new leadership ESMCP is moving to a more product based and customer focussed philosophy. It is also now being recognised that ESMCP is more of a transformational change programme with a technological element rather than a technology programme per se.
3. Options for the future direction of ESMCP are being considered as part of the reset activities. One observation to date is that it will be incredibly difficult to deliver all of the required technology for ESN simultaneously. Normally technology programmes deliver in phases or increments as component parts become available. Thus the preferred, and possibly only, option to deliver ESN is incrementally, which for the Fire and Rescue sector would mean the opportunity to take up data elements early before the full solution, including mission critical voice communications, is delivered, potentially bringing forward some of the benefits. Despite the potential for an incremental delivery, the likely dates for adoption of ESN will be much later than previously anticipated.
4. The other option being considered is some form of stop or pause to ESMCP. This may provide an opportunity for technology to mature before reconvening the Programme, but will come with many associated risks. Both options are currently being investigated in more detail, and a decision on the likely direction of ESMCP is due in the summer of 2018. The Emergency Services and suppliers are being consulted to help inform this decision.

5. In either scenario the need to maintain the current FireLink (Airwave) communications system past the current end date of December 2019 is of paramount importance. Previously Ministers have provided assurances that Airwave will continue to be available until ESN is ready and discussions are currently in train with relevant suppliers.
6. The NFCC Chair wrote to the Home Office Permanent Secretary in late 2017 outlining sector wide ESMCP concerns, centring mainly around financial and funding uncertainties due to delays. In early June an NFCC delegation met with the Permanent Secretary and other Home Office representatives to discuss these concerns. At this meeting the NFCC highlighted that assurances were sought over future Section 31 grant funding for Airwave, along with the need to consider additional funding for transition to ESMCP due to delay. The challenge of maintaining Fire and Rescue Airwave equipment was discussed with a view that the sector and Government will work together to maximise the life of equipment currently in use, but that couldn't be sustained indefinitely. It is unlikely that any answers to funding questions, or assurances are likely to be provided until the FBC has been signed off, which is anticipated in late 2018, should the incremental delivery approach to ESN be approved.
7. The sector's commitment to ESMCP was reinforced at the meeting confirming that ESMCP provides the most appropriate direction of travel for the future of emergency services communications. Those present defined many examples and cases for ESMCP allied to the potential benefits it brings, not just for Fire and Rescue Authorities, but equally importantly for the communities served. It was reiterated that ESMCP forms a cornerstone of the NFCC digital strategy for delivering digital and technological transformation.
8. LGA representatives supported by NFCC officers working on ESMCP have been lobbying for involvement of the LGA within the governance of ESMCP. Previously the NFCC's ESMCP Fire Customer Group had LGA member representation, however as ESMCP has progressed it was considered that this group may be more operationally focussed and that member representation would be better placed within broader governance. A recent communication from ESMCP's Senior Responsible Owner (SRO) has indicated his intention to undertake a review of governance and that he would be content for the LGA to be involved within the review. No further detail is currently available.

Implications for Wales

9. Much of the paper will have relevance for Welsh FRA's, however it must be recognised that the Welsh Government have adopted a different ESMCP funding model compared to the one for English FRA's and any funding issues for Welsh Authorities should in the first instance be channelled through the ESMCP Business Change Lead for Wales.

Financial Implications

10. The high level financial implications have been outlined in the report above.

Automatic Fire Suppression Systems Working Group Report

Purpose of report

For decision.

Summary

This report summarising the work of the sprinklers working group set up by the FSMC earlier this year and makes recommendations.

Recommendation

1. That the FSMC approve the report and its recommendations.

Action

2. That officers take forward the process of having the report's recommendations adopted as the LGA position on AFSS.

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Position:	Senior Adviser
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Automatic Fire Suppression Systems Working Group Report

Background

1. At the October 2017 Fire Commission members asked that a new working group looking at sprinklers and automatic fire suppression systems (AFSS) was set up to consider the evidence for sprinklers and AFSS.
2. The group held a meeting in February to discuss the terms of reference for the group. An evidence session was held at the beginning of May and a meeting to discuss the findings and recommendations was held towards the end of May.
3. This paper outlines the current regulations on AFSS, summarises the evidence heard by the group and sets out a number of recommendations.
4. This report refers to AFSS Systems rather than to sprinklers. The evidence the working group received suggested that the quality of AFSS other than sprinklers is variable and that some systems are not appropriate for residential properties. However it was decided that the report and its recommendations should refer to AFSS and leave the choice of system to be decided by those with responsibility for ensuring systems are effective. This approach allows for flexibility over time as technology develops. Nevertheless the likelihood is that in the near future AFSS in residential properties will mean sprinklers. Where references are made to existing evidence and past performance the term sprinklers is used where that term was used in the original evidence.

Terms of Reference for the Working Group

5. The new working group was asked to answer the following questions in their terms of reference:
 - 5.1. Whether the height of residential high rise buildings in which fire suppression systems should be installed should be lowered to 18 metres to bring the provision in England in line with Scotland;
 - 5.2. Whether considerations about the vulnerability of the residents should also be a factor irrespective of the height of the building and care homes, supported housing, schools and other similar buildings should be required to have fire suppression systems.
 - 5.3. Whether the requirement to install fire suppression systems should be extended to all new domestic residences as in Wales.
 - 5.4. To what extent there should be retrospective installation of fire suppression systems in buildings, and if there should be, to what timescale and who would pay.

- 5.5. Should fire safety measures in building regulations be made retrospective?
6. The group was also asked to identify how best the LGA should lobby for changes in the building regulations by considering:
- 6.1. Whether to refresh the 'sprinklers toolkit' so FRAs can generate grassroots pressure to change the building regulations.
 - 6.2. Whether the LGA should focus at lobbying at a national level to utilise public and media interest in fire suppression systems after the Grenfell Tower fire.
 - 6.3. Where there are any other avenues the LGA could consider, and how these and any other options might be combined together into a campaign.
7. To inform their work in answering these questions the group heard from:
- 7.1. Fire Protection Association
 - 7.2. Sir Ken Knight of the Independent Expert Advisory Panel
 - 7.3. Greater London Assembly
 - 7.4. Residential Sprinklers Association
 - 7.5. European Fire Sprinklers Network
 - 7.6. Business Sprinklers Alliance
 - 7.7. National Fire Chiefs Council
 - 7.8. Local Authority Building Control
 - 7.9. Ealing Council
 - 7.10. Croydon Council
 - 7.11. Welsh Government

Background

Current situation on sprinklers in building regulations in England, Scotland and Wales

8. The requirements on installing sprinklers in new buildings vary between England, Scotland and Wales.
9. In England Approved Document B volume 2, which provides guidance on meeting the fire safety provisions in the building regulations, sets out the broad requirements on sprinklers in non-domestic buildings. Sprinklers have to be installed in new high rise blocks of flats over 30 metres in height and in warehouses with more than 20,000 square metres of floor space. Since 2007 the Department of Education guidance in Building Bulletin 100 has required the installation of sprinkler systems in new schools unless the school can demonstrate it is a low risk and installing sprinklers would not provide value for money.
10. Building regulations are a devolved responsibility in Wales. The Domestic Fire Safety (Wales) Regulations 2011 came into effect at the start of 2016, and amended Approved Document B volumes 1 and 2 in Wales. As a result of the regulations any newly built domestic properties or buildings converted into domestic properties must be fitted with automatic fire suppression systems. Typically this means a sprinkler system but the revisions to Approved Document B in Wales would allow the use of other suppression systems like water mist systems. However the common parts of blocks of flats are not included.
11. As in Wales building regulations are a devolved responsibility in Scotland. The Scottish Technical Handbook for non-domestic buildings (the equivalent of Approved Document B) requires sprinklers to be installed in new care homes, new sheltered accommodation, new schools and new school buildings in existing schools, and new high rise residential buildings (defined as having a storey over 18 metres in height).

Previous LGA work on Sprinklers

12. In December 2011 following a presentation from Ann Jones AM about the sprinklers related legislation in Wales, the Fire Commission established a working group to develop a campaign to press for changes to the regulations around sprinklers, with the objective of protecting the most vulnerable groups of people in society. The focus for the working group was therefore on the installation of sprinkler systems in buildings where older people, children and young people and the infirm either reside in or visit regularly. These were identified principally as schools, care homes, hospitals and homes of multiple occupation (HMOs), as well as high rise social housing blocks.
13. The working group included Cllrs Edwards and Knox and was supported by the Chief Fire Officers Association (as it then was). It recommended the LGA assist Fire and Rescue Authorities (FRAs) in building local grass roots campaigns to push for wider use of sprinklers by publishing an online toolkit to bring together all the tools and information needed for FRAs in one place, so it could be easily updated. The toolkit was launched at the March 2013 Fire Conference.

Research on sprinklers

14. There have been a number of organisations that have published position statements and research into sprinklers and AFSS.
15. The Greater London Assembly planning committee undertook research on the introduction of sprinklers, the recommendations of the report are included in **Appendix A**.
16. In 2012 BRE conducted a cost benefit study of sprinklers for the Chief Fire Officers Association (CFOA) which concluded that there was a cost benefit case for sprinklers in most purpose built flats, residential care homes and some HMOs.¹
17. The following year CFOA published The Business Case for Sprinklers which argued that: where a sprinkler system has been installed:
 - 17.1. Fire deaths (including firefighter deaths) have been almost eliminated;
 - 17.2. Fire injuries are reduced by 80 per cent;
 - 17.3. Property damage is reduced by over 80 per cent; and
 - 17.4. There is a reduction in the environmental impact of fire and the economic cost of fire.²
18. The NFCC's sprinklers position statement is attached at **Appendix B**.
 - 18.1. NFCC research indicates that sprinkler systems operate on 94per cent of occasions and when they do operate they extinguish or contain the fire on 99per cent of occasions.
 - 18.2. The NFCC support the concept of risk assessed retro fitting of sprinklers in existing buildings.

Grenfell and Hackitt

19. In the wake of the Grenfell fire a number of councils have undertaken work to retrospectively fit sprinklers. For example Croydon Council have been fitting sprinklers in Croydon's tallest council-owned tower blocks. 25 blocks at 10, 11 or 12 storeys, and an eight-storey sheltered accommodation block will have sprinklers fitted.³

¹ [Cost Benefit Analysis of residential sprinklers – Final Report](#)

² [CFOA – Business Case for Sprinklers](#)

³ <https://www.croydon.gov.uk/housing/firesafety>; see also <https://www.bbc.co.uk/news/uk-england-manchester-42339927>

20. Subsequently Dame Judith Hackitt's report has made a number of relevant recommendations (the report came out on 17 May after the evidence session discussed below and to soon before the subsequent working group meeting to be considered in detail there):

20.1. A new regulatory framework should apply to residential properties which are 10 or more storeys high - higher risk residential buildings (HRRBs). (Government could expand the definition to cover other high-rise buildings below 10 storeys or other residential buildings where vulnerable people sleep as next steps). A new regulator - the Joint Competent Authority (JCA) – should be set up. It should bring together council building control functions, fire and rescue services and the Health and Safety Executive, working together to maximise the focus on building safety within HRRBs across their entire life cycle. The JCA's work would be funded on a full cost recovery basis.

20.2. Councils would notify the regulator of new HRRBs, and a list of existing HRRBs would be created in the same way MHCLG has been logging private high rise residential buildings.

20.3. HRRBs should be treated as a single entity (as opposed to the current confused division of responsibility between the fire Safety Order and the Housing Act) here must be a clear duty holder (either the building owner or superior landlord) with responsibility for the safety of all parts of the building.

20.4. HRRB duty holders must take such safety precautions as may reasonably be required to ensure building safety risk is reduced so far as is reasonably practicable;

20.5. The duty holder for a HRRB should proactively demonstrate to the JCA through a safety case at regular intervals (every five years but more frequently dependent on the level of risk) that they are discharging their responsibilities.

20.6. The safety case must identify the hazards and risks, describe how risks are controlled, and describe the safety management system in place.

20.7. A HRRB duty holder will have to demonstrate a fire risk assessment for the whole building has been undertaken by someone with relevant skills, knowledge and experience and reviewed regularly, and ensure any recommendations/requirements outlined in the fire risk assessment are undertaken and completed in a timely manner. Fire risk assessments should be reviewed at least annually until a first safety case review has been completed.

20.8. Residents of HRRBs should have clear obligations to maintain the safety of flats and to cooperate with the duty holder (or building safety manager) to the extent

necessary to enable them to fulfil their duties. The duty holder should educate, influence and inspect to ensure residents meet these obligations and the JCA should be able to intervene where there is any immediate risks to persons.

20.9. The regulator would have a suite of powers to ensure new buildings are safe.

20.10. In addition there are proposals for reform of the Approved Documents that provide guidance around buildings regulations.

21. The LGA supports these recommendations in general terms, whilst recognising that there is still much detailed work to be done and expressing some reservations. In particular the LGA has expressed concern that:

21.1. The definition of higher risk residential buildings (HRRBs) needs to expand to cover all residential buildings over 18m *and* other residential buildings where vulnerable people sleep. Hackitt says the Government could do this as next steps.

21.2. The report envisages industry ownership of guidance around building regulations. Given the role the industry has played to date, the LGA is concerned at this proposal.

22. The Government has asked stakeholders to contact it with views on how these recommendations should be taken forward.

23. Re-writing the building regulations offers an opportunity to change requirements around the provision of sprinklers

24. It remains to be seen how the detail of Hackitt's proposals for a new regulator and the obligation at paragraph 20.5 will develop, but it seems unlikely that they will include specific requirements (e.g. to retrofit sprinklers) and that the retrofitting of AFSS will be one of a series of measures that duty-holder may need to employ to meet the requirement at paragraph. The LGA could of course lobby for a different approach and/or to ensure that whatever requirements are placed on duty holders apply to buildings over 18m and those in which vulnerable people sleep.

Evidence sessions

25. The evidence the Group received emphasised that it was important to understand what AFSS are for and what they do:

25.1. In all cases sprinklers' role is to reduce the spread of fire and thereby reduce the damage and the risk to people elsewhere in the building.

- 25.2. Sprinklers do not protect the occupant of a room from a fire. Smoke is usually what kills in a fire but it is heat that activates a sprinkler and by the time that happens anyone in the room is probably dead.
- 25.3. Sprinklers in schools are there to protect property by reducing damage.
- 25.4. There is therefore a case for their use in high rise buildings where they can put out a fire in the flat in which it originates. Nevertheless it is important to remember that historically there have been more fire deaths in bungalows than high rise buildings because the occupants of bungalows are more vulnerable.
- 25.5. Sprinklers have enviable statistics on fire safety and saving lives. Their track record in this country is 94 per cent reliability and 99 per cent for life safety.
- 25.6. Sprinklers can be effective – they do not as a rule cause significant damage through false alarms. The vast majority of fires are managed by up to four sprinkler heads, releasing a huge amount of water. Sprinklers put fires out before they reach common areas so are not needed there.
26. Nevertheless, witnesses generally agreed that fire safety needs to be considered in a holistic manner and a proportionate risk-based approach taken:
- 26.1. Fire doors are essential in protecting high rise residents, hard wired smoke alarms are also important (11 per cent of homes do not have smoke alarms but fires in homes without smoke alarms account for 36 per cent of fire deaths. Two people died this year in sprinkler fitted properties). Spending money on sprinklers instead of these elements may not be wise.
- 26.2. Whilst Sprinklers are a useful safety feature, they are not a substitute for fixing flaws in primary safety features of a building. Sprinklers only add another layer of safety to a building. A sprinkler system will not be able to fight a fire in the structure of the building – such as in the walls or vent ducts – as these are not protected by sprinklers.
- 26.3. Some felt that a well-designed building should not need sprinklers and the UK currently has low loss of life due to fire (The UK has 4.5 fire deaths per year per every 1 million). There was arguably, therefore not an overwhelming case for lowering the height of residential high rise buildings in which fire suppression systems should be installed to 18 metres
27. While considerations about the vulnerability of the residents should be a factor irrespective of the height of the building it was important that care homes, supported housing, schools and other similar buildings should be built well in the first place.

28. At the same time it was acknowledged that existing care homes and schools are in urgent need to be brought up to safety standards to that of commercial building; in essence public buildings – such as hospitals, schools and care homes should be considered as commercial properties and have all/or the most appropriate fire safety systems, where no expense is spared. Thought should also be given at the design stage to the location of, for example, vulnerable residents/service users.
29. A strong starting point would be building new structures with heat resilient materials, not being allowed to compromise on cheap, possible combustible materials. Some builders have adopted using a light timber frame in new-builds, which is an extremely combustible material. Some schools are made of wood and polystyrene panels.
30. There is uncertainty over the cost of retrofitting. The working group was quoted figures of £4-10,000 per flat and there is no guarantee of access to leasehold flats, but our research on this point was not comprehensive.
31. These figures do not include maintenance costs and maintenance also requires continued access.
32. A number of the concerns about retrofitting sprinklers were addressed in the evidence session.
- 32.1. There were mixed views on the difficulties posed by asbestos in blocks which might be disturbed by installation. One figure quoted was a 25 per cent increase in installation costs (to £4k per flat) as a result of this factor.
- 32.2. Water supply has certainly been an issue in Wales and is recognised as an issue that would arise were London to follow the Welsh example. However 'lo-flow' technology can allow the existing mains to be used.
- 32.3. There are issues around accreditation of installers, which significant increases in demand would exacerbate, and the standards around installation. The group was told that BS291 is a very loose standard and needs tightening.
- 32.4. Retrofitting needs a workforce that is trained to work in people's homes. Sprinkler installation must be done by competent people with the right mind-set. Blanket installation could lead to a lowering of standards and there had been examples of poor installation recently.
- 32.5. Access to leaseholder properties is still a major issue, but some felt leaseholders have been more accommodating post-Grenfell. Access to tenanted properties can also be an issue. Education and engagement are critical here.

32.6. Retrofitting can be much more complex in practice than it appears on paper and a standard approach to all blocks is not practical.

32.7. It is intrusive work. It was essential that the work site was left in a fire safety state every night. It was important to check at the end of every day that no compartmentation had been compromised. Using a clerk-of-works can be helpful here

Conclusions of the Working Group

33. Paragraphs 5.1 (lowering the height at which sprinklers are required in new buildings) and 5.3 (mirroring the requirement in Wales that sprinklers be provided in all new domestic residences) are alternatives. The group could recommend that all new domestic premises have to be fitted or only domestic premises over 18 meters (or no change to the status quo).

33.1. The case for mirroring the Welsh regulation was not felt to be strong. The cost benefit evidence suggests that there may well be other fire safety measures that should be a higher priority. The Welsh regulations have run into practical difficulties, with many developers bypassing the legislation. The evidence we received indicated that the industry might struggle to cope with the increase in demand if this course was taken without a significant lead-in time – with implications for quality.

33.2. On balance therefore it was decided not to recommend the change suggested at 5.3.

34. On reflection it was felt that paragraph 5.2 covers two distinct groups of buildings: those where vulnerable people sleep (including residential schools) and non-residential schools.

34.1. In the case of non-residential schools, sprinklers are currently an expectation. Given that school sprinklers are there to protect the property rather than the pupils, **the group concluded that there is no need to recommend a change to existing DfE guidance on the provision of sprinklers in schools.**

35. There is clearly a case to consider for lowering the height at which sprinklers are required and for extending protection to premises where vulnerable people sleep. Sprinklers work and have been shown to be cost effective in these circumstances.

36. However there is also a case for saying that fire safety must be considered in a holistic, risk-based manner, a point raised by several witnesses. Indeed the case for additional protection where vulnerable people are involved is based on the fact that they are inherently at greater risk when there is a fire.

37. Members felt the case for lowering the height requirement and requiring additional protection for vulnerable residents was so strong as to require prescriptive measures that override a comprehensive, risk-based approach.
38. Applying such measures retrospectively, as envisaged in paragraphs 14.4 and 14.5 has potentially significant financial implications
39. On the other hand it is hard to argue that people living in buildings constructed 40 years ago should enjoy less protection from fire than those living in new buildings.
40. Any recommendation in respect of retrofitting needs to dovetail with the work arising out of Dame Judith Hackitt's recommendations at paragraph 20.5 above, assuming that this work covers all relevant buildings. In any case retrofitting of sprinklers needs to be considered within a comprehensive assessment of the fire safety of a building
41. On the question of lobbying it was felt that the current focus of policy debate is national, given the Government's intention to pursue Dame Judith Hackitt's recommendations and that the most effect form of LGA activity in this area would be to seek to influence the outcome of Government reform so that it reflected the recommendations set out below.

Recommendations

42. The Group agreed the following recommendations:
 - 42.1. The height of residential high rise buildings in which fire suppression systems should be installed in new buildings should be lowered to 18 metres to bring the provision in England in line with Scotland.
 - 42.2. Sprinklers should be installed in all newly-built premises where vulnerable people sleep unsupervised. This would include residential schools and care homes
 - 42.3. The requirements placed on duty holders in existing HRS buildings in Dame Judith Hackitt's report should apply to all residential buildings over 18m and all buildings where vulnerable people sleep (other than private dwellings).
 - 42.4. In the absence of the requirement at 45.3 above, owners of buildings over 18m high or where vulnerable people sleep unsupervised should be required to retrofit AFSS as part of a proportionate risk-based programme of fire safety management.
 - 42.5. Any building owner installing AFSS under the provisions of paragraphs 45.3 – 45.4 should have the legal right to enter leasehold premises for the purposes of installing and maintaining sprinkler systems and to recover the cost of installation and maintenance from leaseholders.

42.6. The Government should commit to providing assistance to any council experiencing financial difficulty in meeting its obligations under 45.3-4 as it had done in respect of the remediation of social housing blocks with flammable cladding.

42.7. The LGA should lobby at national level to influence the development of policy in the wake of the Hackitt Report.

Implications for Wales

43. This paper applies to England only

Financial Implications

44. None

Next steps

45. Members are asked to approve the report and its recommendations

46. Officers to take forward the process of having the report's recommendations adopted as the LGA position on AFSS.

Appendix A - London Assembly recommendations

Reducing the costs of AFSS installation

Recommendation One

1. The new Deputy Mayor for Fire and Resilience should establish a working group including London's water companies, Water UK and local authorities to identify methods to improve the viability of connecting new AFSS to water supplies, covering issues such as London's water pressures and new meter and pump technologies.

Recommendation Two

2. The Government should amend the Approved Document Part B for fire safety in residential buildings to place a clear emphasis on the resilience of buildings as well as fire safety. This should include information the level of damage that AFSS can prevent and on the acceptable recovery time for the building.

Making AFSS mandatory

Recommendation Three

3. The Government should work with developers and the fire and AFSS industries to develop a phased legislative road map with clear milestones towards making AFSS mandatory in every residential building in England.

Recommendation Four

4. The British Automatic Fire Sprinkler Association (BAFSA) should work with the GLA Skills Team to identify opportunities at London's further education (FE) colleges to develop new AFSS training opportunities. This should include opportunities for existing plumbers to diversify their skills.

Recommendation Five

5. The Government should amend the Building Regulations Approved Document B to make installing automatic fire suppression systems (AFSS) in all new-build residential developments above 18 metres in height mandatory. To promote building resilience, AFSS should be required in all flats and communal areas, such as stairs, corridors and landings.
6. The Mayor should include a strong presumption that buildings over 18 metres high should be fitted with AFSS in policy D11 of the new London Plan.

Recommendation Six

7. The Government should amend the Building Regulations so that freeholders with existing residential buildings above 1,000m² are required to install AFSS where the building requires 'consequential improvements' and where technically, functionally and economically feasible.

Recommendation Seven

8. The Government should update the Building Regulations to require sprinklers for all new care homes and sheltered housing to be fitted with sprinkler systems in England.
9. All existing care homes and sheltered housing should be required by the Building Regulations to be retrofitted with AFSS where 'consequential improvements' are made.
10. The Mayor should include a strong presumption that care homes and sheltered housing should be fitted with AFSS in policy D11 of the new London Plan.

Recommendation Eight

11. The Mayor should create a £50 million 'London Sprinkler Retrofitting Fund' to fund AFSS in 200 existing high-risk buildings over the next five years. To facilitate this, the Mayor should lobby Government to provide around half of the funding, with the remainder match-funded by the Mayor.
12. The Government should also consider allowing local authorities to borrow from the Public Works Loan Board or relaxing the rules around borrowing through the Housing Revenue Account specifically for retrofitting AFSS.

Appendix B - NFCC Sprinklers Position Statement

1. Sprinklers are the most effective way to ensure that fires are suppressed or even extinguished before the fire service can arrive.
2. They save lives and reduce injuries, protect firefighters who attend incidents and reduce the amount of damage to both property and the environment from fire.
3. In the last 12 months, the National Fire Chiefs Council (NFCC) and the National Fire Sprinkler Network (NFSN) have worked together to investigate the effectiveness and reliability of sprinkler systems.
4. The evidence produced indicates that sprinkler systems operate on 94per cent of occasions demonstrating very high reliability. Furthermore, it is evident that when they do operate they extinguish or contain the fire on 99per cent of occasions and are thus very effective.
5. The research also found that in both converted and purpose built flats that sprinklers are 100 per cent effective in controlling fires.
6. The NFCC recognise that sprinklers are an effective part of an overall fire safety solution and can be used efficiently to improve fire safety in a range of new and existing buildings.
7. The NFCC support the concept of risk assessed retro fitting of sprinklers in existing buildings and would also welcome the prioritisation of a review of the Building Regulations (Approved Document B) to ensure fire safety requirements keep pace with new building developments.
8. The NFCC supported by the NFSN are focused on developing understanding and acceptance to promote the wider use of sprinklers. Together we will continue the efforts in the coming months to:
 - 8.1 Educate the public and building owners to dispel the myths and understand the benefits of sprinklers.
 - 8.2 Provide clear guidance on their consideration and implementation as part of a fire safety strategy.
 - 8.3 Provide clear guidance within the service on their ongoing maintenance and operational considerations
9. The statement can be found here: <https://www.nationalfirechiefs.org.uk/Sprinkler-Position>

22 June 2018

FSMC Policy Priorities for 2018-19

Purpose of report

For discussion and decision.

Summary

This paper sets out proposals for the Fire Services Management Committee (FSMC) priorities and work programme for 2018-19 for comments. The proposals are based on both corporate LGA priorities and options for broader work based on a combination of areas of interest previously indicated by Board members, ongoing work and recent policy announcements by Government. Subject to members' views, officers will develop a work programme to deliver these priorities.

Recommendation

That the FSMC discuss the FSMC's priorities and work programme for 2018-19.

Action

Officers will undertake the projects set out in the report.

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22 June 2018

FSMC Policy Priorities for 2018-19

Background

1. Last year FSMC members agreed that our priorities for 2017-18 would cover:
 - 1.1. Governance
 - 1.2. Transparency and standards
 - 1.3. Workforce
 - 1.4. Collaboration
 - 1.5. Procurement and value for money
 - 1.6. Funding
 - 1.7. Grenfell tower
2. The priorities also incorporated work that the LGA Leadership Board asked the Boards to undertake based on the overall priorities of the organisation. The priorities were first discussed in June 2017 before being agreed at the September 2017 meeting.
3. This paper provides an outline of the work that has been undertaken over the last year as well as looking at potential priorities for the next year. It is expected that the priorities for the forthcoming political year will remain broadly similar subject to member's views.

Achievements for 2017-18

Governance

4. We have provided support to the four fire and rescue services that are affected by the locally contested plans of three PCC's to take on the governance of fire and rescue services in their area.
5. We provided input into the Home Office's work on the Independent Assessment of PCCs business cases. We raised concerns about the potential for challenge if the decision was not made by a Panel with a range of expertise. We continued to raise concerns throughout the process.
6. The FSMC and Safer and Stronger Communities Board published a guide to the fire and rescue service for members of Police and Crime Panels. This is available on the LGA's [website](#).

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Transparency and standards

7. We have worked with Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) on the introduction of the new inspection regime through their External Reference Group. We have also responded to HMICFRS's consultation on the methodology framework. We have continued to raise concerns about the potential for the new inspection process to introduce new burdens for the fire and rescue service, particularly if the inspection covers areas that are not statutory duties. There are also concerns about the burden on FRSs to meet the practical requirements for inspection.
8. The work on peer challenge is continuing, however the pace has slowed to match the introduction of the inspection process. We plan to hold a meeting with the peer challenge task and finish group shortly and will be inviting the HMICFRS pilots to the meeting as well.
9. Through our membership of the Fire Professional Standards Project Board, we have continued to raise concerns about the possibility of creating a new standalone standards body on financial grounds for the sector and additional burdens. This the Professional Standards Board will no longer be a standalone body but will instead be a part of the NFCC's Central Programme Office.
10. The LGA responded to the consultation on the National Fire Framework. We wanted to ensure that the IRMP remained the basis for all fire and rescue activity and that the National Framework would continue to require it. We raised some concerns that there were some disparities in terms of the expectations on PCC style FRAs and other types of FRA. We also raised concerns about the resources and powers of Police and Crime Panels.

Workforce

11. The LGA promoted the Memorandum of Understanding (MoU) signed last year through the inclusive fire service document for the 2017 Fire Conference as well as the case studies on inclusion and recruitment we published for the 2018 Fire Conference.
12. In April we ran a summit with the signatories of the MoU to discuss how the MoU is being embedded and to inform our work on this issue. This informed a report that went to the Fire Commission in May which outlined further work on this issue for the next political year.
13. Inclusion and diversity is now a part of our two Fire Leadership Essentials programmes. Both the sessions on these issues have been very well received at the leadership programmes. We also ran a Masterclass on inclusion and Diversity in September 2017. We plan to do further leadership style events on inclusion and diversity next year as well as continuing to provide two leadership essential courses.

Collaboration

14. We held a number of sessions on collaboration at the Fire Conference in March having opened up the workshops for bidding from fire and rescue services. We had sessions on

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collaboration with the Unions, on procurement with the police and more generally on the legal implications on collaboration.

15. We have continued to support and contribute to the fire/health coordination committee.

Procurement and value for money

16. The National Fire Chiefs Council (NFCC) have been continuing to lead this agenda. The LGA have been playing a supporting role and the NFCC are happy to lead this agenda, a position we have checked with them.

Funding

17. The LGA made a number of requests for further funding for the fire and rescue service to cover the cost of a pay increase for firefighters to help increase collaboration. We highlighted the costs of further work coming out of the Grenfell fire to the sector and continue to undertake further work on this issue in partnership with the NFCC to provide an up to date figure on the one off and ongoing costs as a result of the fire.

18. Following discussions at the FSMC, the LGA will continue to lobby for funding based primarily on the basis of risk.

Grenfell tower

19. FSMC has contributed significantly to the LGA's response to the Grenfell tragedy. This work has involved assisting MHCLG and councils with identifying council and other social housing blocks with aluminium composite material (ACM) cladding systems similar to that on Grenfell Tower, and working with councils on the removal of that cladding.

20. The LGA also successfully called for a review of building regulations and fire safety. The interim report from Dame Judith Hackitt reflected all the significant points the LGA had made in its submission to the review, and her final report, published in May, sets out how the regulatory system for high-rise buildings can be made fit for the twenty-first century. The LGA continues to work on issues related to fire doors, enforcement powers, identifying ACM cladding on private blocks and the impact this may have on leaseholders.

Priorities for 2018-19

21. Members are asked to consider whether there are any particular issues that are missing from the below list or if there are any priorities that are less relevant for the next year. Lead Members discussed these in the May meeting.

21.1. Governance: continuing work associated with the greater involvement of PCCs in fire and rescue service governance structures, and to provide advice and assistance to fire and rescue authorities around this agenda.

21.2. Transparency and standards: continue to engage with HMICFRS around the inspection process, ensuring that the impact of inspection on fire and rescue services is understood and any new burdens highlighted to government. The LGA

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will be updating the Fire Peer Challenge and Operational Assessment offer to the sector alongside the NFCC to ensure that it provides value to the sector and complements the inspection regime. The LGA will be a part of the new Fire Standards Board.

21.3. Workforce: the LGA will work with members to provide a leadership training programme on Inclusion and Diversity. We will continue to promote the Memorandum of Understanding and hold another Summit in April 2019 to discuss what work has happened over the past year.

21.4. Collaboration: the Committee has consistently supported increased collaboration between the fire service and the other emergency services. It has also highlighted to government the increasing role taken by the service in supporting broader health objectives, and the value of this role has been increasingly recognised.

21.5. Procurement and value for money: the National Fire Chiefs Council will be pressing ahead with improving procurement practices and obtaining better value for money from its purchases. So far the Committee's role in progressing this agenda has been purely supportive, but it may be that a more active role is needed to help make progress in this area in the year ahead. The Emergency Services Mobile Communications Programme may need further examination over the coming year as the implications of the delay of the programme are further understood.

21.6. Funding: The Comprehensive Spending Review, the Fair Funding Review and the impact of the Hackitt Review will all have an impact on the work of the fire and rescue service. The LGA will respond to these issues to ensure that the fire and rescue service continues to be funded primarily based on risk.

21.7. Grenfell tower: the impact of Grenfell tower on the fire and rescue service will continue for the foreseeable future. The LGA will respond to the Hackitt Review's final report, work with government on delivering a regulatory system fit for the twenty-first century, and respond to the government consultation to ban the use of combustible materials on the exterior of high-rise residential. We will also take forward the recommendations from the sprinklers working group, and we will lobby for any new burdens to be fully funded as well as monitor the impact on FRAs of increased inspections post Grenfell.

22. Members are asked to comment on whether these are the right priorities for the Committee over the next year and if any further priorities need to be considered. Members' views will be used to inform the priorities paper brought to the Committee in September.

Implications for Wales

23. Fire and rescue related policy is a devolved matter and much of the Committee's work has focused on changes for Fire and Rescue Authorities in England, with the Welsh Local Government Association leading on lobbying for Welsh Fire and Rescue Authorities in Cardiff.



**Fire Services Management
Committee Lead Members**

22 June 2018

Financial implications

24. The policy and improvement budget is still being set for the forthcoming year.

The Hackitt Review and fire safety in high rise buildings

Purpose of report

For discussion.

Summary

This report outlines the recommendations from the final report of the independent review of building regulations and fire safety led by Dame Judith Hackitt published in May, the implications of these for fire and rescue authorities, and the LGA's other building safety related work since the last Committee meeting.

Recommendations

That Fire Services Management Committee:

1. Note the publication of the final report from the independent review of building regulations and fire safety, and the government's announcements in response.
2. Comment on the review's recommendations and the implications for fire and rescue authorities to inform future LGA work.
3. Note and comment on the LGA's other building safety work.

Actions

Members' views on the review's recommendations will be used to inform the LGA's response to them and its lobbying around the government's plans to reform the building regulation and fire safety system.

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The Hackitt Review and fire safety in high rise buildings

Background

1. Since the Committee's last meeting the final report from the independent review of building regulations and fire safety led by Dame Judith Hackitt has been published, while the government has also made a range of announcements related to the national building safety programme. This paper updates FSMC on the final recommendations of the Hackitt Review, the government's announcements and associated LGA work related to fire safety in high-rise buildings.

Investigation into the cause of the fire

2. The cause of the fire at Grenfell Tower and the reason it spread so quickly through the tower block is still the subject of an on-going investigation by the Metropolitan Police (MPS). However details of what happened on the day of the fire have started to emerge from the public inquiry chaired by Sir Martin Moore-Bick. From the expert reports that have been published it appears the fire started in the kitchen of a flat on the fourth floor, then travelled out of the window and took hold in the cladding system on the outside of the block.
3. These expert reports suggest there were a number of deficiencies with the refurbishment of Grenfell Tower, which they conclude failed to meet the fire safety standards set out in the building regulations. The deficiencies identified include:
 - 3.1. the fact that the core of the aluminium composite material (ACM) panels and the insulation used were combustible;
 - 3.2. the incorrect installation of cavity barriers, which meant a chimney effect was created in the cladding system;
 - 3.3. the materials used around the window frames allowed the fire to spread back into other flats rather than stopped its spread; and
 - 3.4. the absence of door closers on many front doors meant they were inadvertently left open, contributing to the breaching of compartmentation in the block.
4. These deficiencies will be further explored in the week leading up to the Committee meeting, as the inquiry starts to take oral evidence from the expert witnesses. Having heard from the experts the inquiry will then hear further evidence about the outbreak of the fire including from London Fire Brigade personnel who attended the flat and the fire in its initial stages.

The independent review of building regulations and fire safety

5. At its meetings in January and March FSMC considered the interim report published on 18 December 2017 by the independent review of building regulations and fire safety led by Dame Judith Hackitt; the LGA's response to the interim report; and our engagement in the review's second phase of work. The review's [final report](#) was published on 17 May 2018. A summary of the main sections of the report are set out below.

A new regulatory framework

6. In the report Dame Judith Hackitt sets out a proposal for a new regulatory framework for residential properties 10 or more storeys high – higher risk residential buildings (HRRBs). At the heart of this new framework is a new regulator, the Joint Competent Authority (JCA), to oversee better management of safety risks. This will not be a new body, but rather a mechanism for existing regulators (council building control functions, fire and rescue services and the Health and Safety Executive) to operate collectively to ensure the safety of HRRBs. The JCA will be funded on a cost recovery basis. Under the proposals a mandatory incident reporting system will also be put in place.

Design construction and refurbishment (chapter 2)

7. The proposals envisage 'dutyholders' with responsibility for building safety at the design, construction and refurbishment stage and also at the occupancy stage of the building's life cycle. Dutyholders will be subject to rigorous and demanding duties and responsibilities. The report suggests three Gateway Points are established where the dutyholders will have to satisfy the JCA they have met a robust set of criteria before they can progress on to the next stage in constructing a new HRRB. It also recommends the JCA has effective sanctions and powers to penalise non-compliance. Any significant changes from the approved full plans will need to be notified to the JCA. Building control oversight for HRRBs will be solely provided by councils.

Occupation and maintenance (chapter3)

8. Once occupied HRRBs will need to have a dutyholder with responsibility for the safety of all parts of the building, with a nominated building safety manager to manage the building on a day-to-day basis and act as a point of contact. The dutyholder will have to regularly demonstrate to the JCA that they are discharging their responsibilities, and as part of this process dutyholders for existing buildings will need to gather information on the design, structure and materials used. Residents will also have clear obligations to maintain the safety of their flats.

Residents' Voice (chapter 4)

9. In the report Dame Judith sets out measures to provide reassurance and recourse for residents, including a no-risk route for residents to escalate concerns about safety to an independent statutory body, potentially the suggested single housing ombudsman. The report also proposes that dutyholders should have resident engagement strategies in place and that residents should have access to fire risk assessments, safety case documentation and information on maintenance and asset management.

Competence (chapter 5)

10. To overcome the concerns that the current approach to levels of competence is disjointed and not rigorous enough, the report recommends that professional and accreditation bodies should present a coherent approach to government within one year that sets out the remit and role of an overarching body to provide oversight of competence requirements of competent people working on HRRBs.

Guidance and monitoring (chapter 6)

11. Dame Judith proposes that the responsibility for developing guidance on building regulations and fire safety should be moved to industry, with government support and a new structure to validate and assure guidance. The report argues that the full suite of building regulation guidance should be owned by industry who are accountable for managing risk and have an incentive to ensure that guidance keeps pace with innovation. The key focus is on building regulation guidance, but the report also suggests that the Fire Safety Order be reviewed and updated as necessary. It is proposed that there should be a periodic review, at least every five years, of the effectiveness of the whole system.

Products (Chapter 7)

12. Dame Judith's interim report sought to restrict the use of assessments in lieu, known as "desktop studies". The final report notes that the government is taking this recommendation forward and does not propose further restrictions on their use. The report notes that using products that are non-combustible or of limited combustibility is "undoubtedly" a lower risk option. But, rather than recommending that combustible products on the outside of HRRBs be banned, the final report argues that a system of mitigation be put in place when using materials that are required to pass a full system test. The report recommends that a more transparent and more effective specification and testing regime of construction products must be developed and that products that are critical to the safety of HRRBs should be subject to periodic retesting to ensure that quality and integrity has been maintained over time in production. In addition the report recommends that all products used in HRRBs must be traceable. A strengthened

compliance regime is proposed possibly through an extended remit for the Office of Product Safety and Standards.

Building information (chapter 8)

13. The report recommends the creation of a digital record throughout the building life cycle. A Business Information Modelling approach is proposed, which the report says will enable the dutyholders to ensure accuracy and quality of design and construction, and a suitable evidence base to maintain the safety and integrity throughout the life cycle of the building. The review also recommends that for existing buildings a set of minimum building data be included in the safety case provided to the JCA when the building is being refurbished or assessed.

Procurement and supply (chapter 9)

14. The review states that the aim of the procurement process should be to obtain best value rather than lower cost. The review recommends that for HRRBs principal contractors and clients should devise contracts that specifically state that safety requirements must not be compromised for cost reduction. Tenders should propose how any proposed building solution results in safe buildings.

Government's response

15. In his response to the report on 17 May 2018, the Rt. Hon. James Brokenshire MP, Secretary of State for Housing, Communities and Local Government, said that the government agreed with Dame Judith's analysis that the current system of building regulation is not fit for purpose, and supported the principles behind the report's recommendations for a new system. The Secretary of State went on to add that the government also agreed the system should be overseen by a more effective regulatory framework, with stronger powers to inspect high-rise buildings and stronger sanctions to tackle irresponsible behaviour. In addition the Secretary of State announced the government would be:

15.1. launching a consultation on banning the use of combustible materials in cladding systems on high-rise residential buildings;

15.2. banning desktop studies if the recent consultation – which closed on 25 May – does not demonstrate that they can be safely used;

15.3. ensuring residents have a better mechanism for blowing the whistle on landlords who do not maintain safe buildings;

- 15.4.changing the law to achieve meaningful and lasting reform of the building regulatory system, with strong sanctions for those who fail to comply;
- 15.5.inviting views on how culture and practice could start to be changed immediately, with the government using the responses to inform a more detailed statement in the autumn on how it intends to implement major reform of the regulatory system; and
- 15.6.restructuring building regulations fire safety guidance to ensure it is clear.

LGA response to the report

- 16. The LGA's immediate response to the report centred on the absence of recommendations to prohibit the use of combustible material in cladding systems on high-rise residential buildings and to ban the use of desktop studies. Reforms of this sort to the building regulation system would address concerns about the robustness of the testing regime, issues with the clarity of information on a product's performance as well as the ease of identifying it once in use the report seeks to address. The Secretary of State's commitment to consult on banning the use of combustible materials in cladding systems in response to the report's publication was therefore a welcome response to LGA lobbying.
- 17. Looking ahead we will want to consider the report's recommendations in more detail, and their implications for councils and fire and rescue authorities. Many of the recommendations in the report reflect LGA positions and our lobbying including a new regulator that brings together building control, fire and rescue services and the Health and Safety Executive; the creation of duty holder roles and responsibilities; treating HRRBs as a single entity for regulatory purposes; the introduction of Gateway Points which have to be passed before work can progress; clear obligations on residents of HRRBs around fire safety; and an improved testing regime for products.
- 18. It would be useful to have members' views on the recommendations and what they mean for fire and rescue authorities to guide further LGA work in this area, and to aid that discussion the following paragraphs highlight some of the issues the LGA will need to consider.

Implications for fire and rescue authorities

- 19. The final recommendations in the report have significant implications for fire and rescue authorities (FRAs). As a key element of the new tripartite regulator, the Joint Competent Authority, FRAs will have a significantly greater role in the approval process for building high rise residential buildings. This includes being consulted at the planning stage for the building of new HRRBs, and when any applications are submitted in relation to other buildings in the immediate vicinity of a HRRB. FRAs will also be involved in reviewing fire safety in existing buildings.

20. There will of course be resource implications to this for FRAs both in carrying out the work and ensuring they have suitably qualified people. The recommendation that the JCA should be funded on the basis of full cost recovery would provide the resources to pay for the work, but consideration may need to be given to funding training to increase the pool of qualified staff to undertake the work.

21. The detail of how the JCA will operate is not clear from the report and Dame Judith herself was unable to add any clarity when questioned on this by the Housing, Communities and Local Government Select Committee on 17 May. However as she pointed out to the Committee there are existing arrangements in place that could be used as a basis for the JCA. A key challenge though will be ensuring a consistency of approach by the JCA in different areas.

22. One issue that the LGA raised in its submission to the Dame Judith Hackitt's call for evidence last year, and again in the second phase of the review's work, was the interrelationship between the Fire Safety Order and the Housing Act 2004. Although the final report acknowledges there is an issue with their interaction, it does not specifically suggest that they are revised, relying instead on the JCA to ensure that enforcement under both regimes is coordinated.

Other building safety issues

Social housing high-rise buildings

Progress in remediation work

23. Councils and housing associations have continued to make steady progress in carrying out remediation work to the 45 council owned blocks and 100 plus housing association blocks with combinations of ACM cladding and insulation that have been found not to meet the building regulation standards. Undertaking this work is of course complex, and for many of the buildings involves the commissioning of major construction work that has to be planned, consulted on and carried out.

24. The latest published statistics by the Ministry of Housing, Communities and Local Government (MHCLG), which were made available at the end of May, show that remediation work has now started on 107 of the 159 social housing blocks. In the case of the 45 local authority blocks we understand the failed cladding systems have been removed from a significant majority, and the councils responsible for these blocks are now in the process of replacing the cladding with a new system or have commissioned work to replace it. Remediation work has been completed on ten of social housing blocks.

Materials to use in remediation

25. As members will recall the LGA has been pressing MHCLG for clarity around the materials that building owners can use to replace the cladding and insulation they have removed as part of the remediation process. Further questions have been raised about the validity of the BS 8414 fire safety test as a result of research conducted by the Fire Protection Association on behalf of the Association of British Insurers. This research attempted to more realistically model what actually happens in fires in high-rise residential buildings. It found for example that, given the materials commonly used in flats, the temperature at which a real fire would burn could be up to 100 degrees hotter than those created in a BS 8414 test, and the flames a metre longer.
26. With these uncertainties it was helpful that when MHCLG wrote to council leaders after the announcement on 16 May about funding for the costs of remediation work, they stated that unsafe cladding had to be replaced with materials which meet the A1 and A2 European classifications, and are therefore non-combustible.

Funding the costs of the remediation work

27. One issue social landlords have had to consider in commissioning the remediation work is the cost of doing the work. The LGA has highlighted the implications of funding this work to MHCLG since the fire at Grenfell Tower. The announcement during Prime Minister's Questions on 16 May that the government will fully fund the removal and replacement of unsafe cladding, at an estimated cost of £400 million, will assist the fifteen councils carrying out remediation work, though we are exploring what the implications are for the Affordable Home Programme where it appears the funding will come from.

Private high-rise buildings

Data Collection

28. Members will recall from previous reports that councils have for some months been gathering information on private high-rise residential buildings with ACM cladding systems, with fire and rescue services then ensuring appropriate interim fire safety measures are put in place. MHCLG set a deadline of the end of May for councils to complete this process. We anticipate that councils will have either confirmed which private high-rise residential buildings in their area have ACM cladding, or requested information from building owners using their powers under the Housing Act where councils have been unable to confirm whether the cladding on a building is ACM or not.
29. The next stage of work will be to confirm whether there is ACM on the outside of these 'unknown' buildings. Officers are in discussion with MHCLG, the National Fire Chiefs Council and London Councils about how local authorities can be supported in this work,

which may require applications to court to enable councils to take samples of the cladding for testing to confirm what it is.

30. It should be noted that this exercise on behalf of MHCLG has required councils and fire and rescue services to gather information on thousands of buildings, with some services having to inspect hundreds. It has presented a number of challenges for fire and rescue services and councils, including establishing the number of private high-rise residential buildings in their area when not all will have required planning consent, and working through complex management and ownership arrangements to identify who the building owners are. It is a testament to fire and rescue services' and councils' commitment to ensure all residents in their areas are safe that the process has been completed by the MHCLG deadline.
31. The work has also required considerable resources. MHCLG's new burdens assessment originally anticipated the total costs to the sector of this work would amount to £239,000. The LGA has been clear that this underestimates the actual cost to councils of the work they have had to undertake. MHCLG therefore wrote to the LGA on 1 March 2018 to announce an additional £1 million was being made available to assist councils with this work. This has been allocated to those authorities that had more than ten private high-rise residential buildings in their area. The costs to fire and rescue services have not yet been quantified and the Home Office has not provided funding in the same way as MHCLG.
32. It seems clear however that fire and rescue services will have to monitor the interim fire safety measures in place in those private high-rise buildings with ACM cladding until it has at least been removed. This will require continuing resource commitments from services, possibly over a number of years. Once the total number of high-rise buildings with ACM cladding becomes clear, and with it the longer term cost implications for services, the case for funding to cover these expenses could be included in the submission ahead of the next spending review.
33. Ensuring that building owners make swift progress with remediation work will of course reduce the cost burden on fire and rescue services. LGA officer have continued therefore to highlight the need for MHCLG to progress the suggestions the LGA and London Councils have made to reduce the risks to councils associated with taking action under the Housing Act and the Housing Health and Safety Rating System (HHSRS). Due to changes in personnel at MHCLG the work to examine the statutory guidance and the statutory operating directions relating to the HHSRS with a view to reinforcing local authorities ability to take action against private residential high-rise building owners has not yet progressed as far as we had hoped. .

Fire doors

34. An additional issue for some councils and therefore their local fire and rescue services has arisen in relation to the fire doors in their blocks. The MPS investigation into the

spread of the fire in Grenfell Tower identified concerns about whether some of the fire doors in the block could resist fire for 30 minutes, as is required by the building regulations. On 15 March the Secretary of State for Housing, Communities and Local Government announced that a door from the block tested by the MPS as part of their investigation had failed after only 15 minutes.

35. As a result MHCLG sought additional advice from its Expert Panel and the National Fire Chiefs Council (NFCC), as well as technical experts and the government's Chief Scientific Advisers. Extra tests on other doors from the same batch as those at Grenfell Tower made by Manse Masterdors (which ceased trading in 2014), were commissioned, as have tests on other doors from the same manufacturer. This testing has included taking the doors apart and analysing the materials used in this batch of doors.
36. A further statement about the fire doors testing programme was made on 16 May. This stated that the government's Expert Panel had concluded there is a performance issue with Manse Masterdor fire doors, as they do not consistently meet the 30 minute standard. The NFCC have advised that the risk to public safety remains low, as fire protection in a building relies on a range of measures, and all doors provide protection in a fire provided they are closed. Additional guidance has been produced for owners of buildings with this type of door by the Expert Panel. This advises that where a building owner suspects fire doors do not meet the 30 minute requirement a fire risk assessment process should be used to determine how quickly the doors should be replaced. Customers of Manse Masterdor have been written to by MHCLG to notify them they have bought fire doors where there are concerns. The letter asks the customers to carry out a further fire risk assessment to determine how quickly the doors should be replaced and to provide details of the buildings where the Manse Masterdor fire doors were installed to the NFCC. MHCLG is also looking at the wider fire door market and will be testing doors from other suppliers.

Large Panel System buildings

37. At the January meeting Members were updated on the developments in relation to large panel system buildings in Southwark and Haringey, which should have been strengthened following the explosion at Ronan Point in 1968. Since then issues in relation to the strengthening and construction of large panel system buildings have been identified in other local authorities. We are therefore looking to discuss the implications for large panel system blocks with MHCLG officials.

Implications for Wales

38. Building regulations and fire and rescue services are devolved responsibilities of the Welsh Assembly Government, and the main implications arising from the recommendations of the Hackitt Review and the government's response to it are on building regulations and fire safety in England. However the Welsh government has already announced that it will be making the changes recommended in the report to the

regulatory system in Wales. An expert group will be established to advise on how to incorporate these change into law, policy and practice in Wales.

39. As an interim measure the Welsh government has also announced that ti will be consulting, as MHCLG has indicated it will be doing to ban the use of combustible materials in cladding systems on high-rise buildings in Wales.

Financial Implications

40. None. The work arising from this report will continue to be delivered within the planned staffing budget, which includes new additional capacity to support the LGA's building safety work.

Next steps

41. The LGA will want to respond to the recommendations from Dame Judith Hackitt's review and shape the government's reforms of the building regulation and fire safety system as this work progresses over the summer and into the autumn.
42. Members' views on the review's recommendations and the other issues set out in this report will be used to inform the LGA's response to the review's report and its lobbying around the government's plans to reform the building regulation system.

Workforce Report

Purpose of Report

To update the Fire Service Management Committee on matters in relation to fire service industrial relations and pension matters

Summary

This briefly describes the main industrial relations and pension issues at present.

Recommendation:

Members are asked to note the issues set out in the paper.

Action

Officers will take forward any work in line with Members steers.

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Workforce Report

Pensions

Scheme Governance

1. The TPR admin and governance survey has now been published. The Firefighters scheme has been highlighted as having much improved governance (see pages three and four of the [summary report](#). A copy of the Research report can be found [here](#).
2. The Scheme Advisory Board recently hosted a joint Fire and Police Local Pension Board governance event, as part of their ongoing support to Local Pension Boards. The event was very successful. TPR attended and gave an overview of the results and their expectations.
3. The Scheme Advisory Board recently undertook their own survey of Local Pension Board governance and the results are published [here](#). The response rate from Fire Authorities was disappointing at 73 per cent compared to a 100 per cent response rate to TPR. The report makes a number of recommendations for boards and the expectation is that boards should consider these at their next meeting, one of those recommendations is that boards should provide an annual report to the Fire Authority.
4. The Scheme Advisory Board has recently appointed Weightmans as legal adviser to the board, and are seeking to make two further appointments. One as an actuarial adviser to the board and the second to undertake a review of administration and management costs for the Firefighter Pension Schemes.

LGA Firefighter Pension Scheme Communications and Events

5. The bulletins will now be published monthly – [bulletin 8](#) has just been published.
6. Slides from past events and details of upcoming events are published on the board [website](#).
7. In order to support Fire Authorities understand their responsibilities under GDPR for pension scheme data, there is now a new page for GDPR resources available [here](#). Privacy notes for use by Fire Authorities as data controllers of the pension scheme were commissioned and published for Fire Authorities use.

Scheme Regulations

8. The Home Office is consulting on draft amendments to the scheme regulations, the amendments are relatively minor, the consultation and draft SI are available [here](#). Once the SI has been laid a note of the amendment order and any action expected by Fire Authorities will be issued.

Valuation and Employer Contributions

9. The valuation results are not yet known, and therefore there is no indication of employer contributions from 2019 onwards. This is the same across all public sector schemes and as soon as information is released from HMT this will be shared with Fire Authorities.

Key Wider Workforce Issues

Broadening the role of the firefighter / Pay claim

10. The term 'broadening the role' refers to an NJC commitment to work jointly together on changes identified by each Side to ensure that there is a pay framework alongside terms and conditions in the fire and rescue service which reflect the responsibilities of, and current and future demands on, the service and the profession. Substantial work to date has looked at areas such as environmental challenges, emergency medical response, community engagement, inspection and enforcement and multi-agency emergency response (which includes MTFA).
11. Both sides of the National Joint Council (NJC) remain fully committed to identifying a mutually acceptable resolution and negotiations are therefore continuing with frequent meetings taking place to scope potential changes to roles and to explore how that could be reflected in terms of pay. Those negotiations are constructive in nature.
12. As members are aware the latter will be directly affected by available funding on a sustainable basis. Both sides of the NJC therefore also remain committed to joint political lobbying in that regard. Since the last meeting of the FSMC that lobbying has continued.
13. The NJC is a UK-wide body and members may therefore be interested to know that the Cabinet Secretary for Local Government and Public Services in Wales has, while expressing his view that any outcome must also work well for Wales, indicated that he is happy for further discussion to take place. In Scotland, the government has indicated that it is prepared to fund an increase in firefighter pay. This is likely to be sufficient to cover both the negotiations through the NJC and a number of local issues. Meetings with Ministers in Scotland and Wales will also take place later this month. Work is continuing in respect of Northern Ireland, mindful of the unique circumstances there at present.
14. Following an NJC meeting with the Home Office Minister for Policing and the Fire Service and in the context of his highly valuing the role that firefighters play in protecting our communities and recognising the need for them to be rewarded fairly for the job that they do, the Minister indicated that he wished to receive additional information.
15. Since the last meeting of the FSMC, the NJC has provided a detailed joint response setting out the strategic outline programme for expanding the role of fire and rescue service personnel.
16. The Minister also asked the employers to provide an assessment of fire and rescue authorities' ability to fund an increase from their existing budgets. In this regard the Minister made reference to the government's latest assessment which shows 'that single purpose fire and rescue authorities' reserves have increased by 88 per cent to £615 million between

31 March 2011 and 31 March 2017'. He wished to see 'a strong justification from the employers' side setting out why additional funding to meet an increased pay award cannot be prioritised from the fire and rescue authority budgets'. Detailed work has since taken place and a response provided setting out the financial implications if should such a position was adopted and repeating the principle that it would be fiscally inappropriate to endeavour to use reserves to fund on-going pay costs.

17. We intend to undertake a further round of meetings with Chairs and CFOs to take stock. The three meetings in the South West, Manchester and London will take place over the end of June to mid-July. Discussion will also cover any potential pay award while the wider negotiations continue.

Inclusive Fire Service Group

18. This group is NJC led and includes representation from NJC employer and employee secretariats, the NFCC, RFU, FBU and FOA. The Independent Chair is Professor Linda Dickens.
19. Members will be aware of the work previously undertaken by this group on strategies to deliver improvements at local level in respect of inclusion, diversity and cultural issues such as bullying and harassment. The strategies were issued to FRAs/FRSs on 17 June and were very well received.
20. As the strategies will have now had a year to become embedded in services it is intended to commence a monitoring exercise by the end of July.

Court Of Justice of the European Union - Ville De Nivelles V Rudy Matzak

21. This recent case concerns a 'volunteer' firefighter in Belgium. However its impact will be felt more widely, including in the UK.
22. In essence it has determined that stand-by time of a worker at home who is obliged to respond to calls from the employer within a short period must be regarded as 'working time'.
23. We are currently considering the implications of this determination on the retained duty system and are in the process of obtaining a QC opinion in order to inform guidance to FRAs. A sounding board was formed to inform the content of the instructions to the QC and it will shortly meet with the QC to further explore the picture of how the retained duty system works in the UK.

Employment Tribunal Cases - Pension Scheme Transitional Protection Arrangements

24. Members will recall that the Employment Tribunal found in favour of fire authorities. The

FBU, who act on behalf of the claimants, lodged an appeal. The Employment Appeal Tribunal decided to join the appeal with that in the McCloud case relating to judges (which found in favour of the judges). That appeal has been heard since the last meeting of the Fire Commission.

25. The EAT allowed the firefighters' appeals in certain respects. However, the EAT has not examined the evidence and found there was discrimination. The EAT's judgment simply means that, in its view, the ET was mistaken in the law in certain limited respects. However, in regard to those matters, the EAT recognised that there are grounds to appeal against its decision and the Respondents, including the FRAs, were given permission to appeal to the Court of Appeal. The reasons for allowing the firefighters' appeals in so far as the EAT did so, were very limited and the Respondents to the Claims, the Governmental bodies and the Fire and Rescue Authorities, succeeded on a significant number of points.
26. The appeal to the Court of Appeal is now expected to be heard in November 2018.
27. In addition to the above, the FRAs have a separate appeal based on Schedule 22 of the Equality Act 2010. At the initial stage the Employment Tribunal found against the fire authorities. The appeal is based on the belief that the FRAs have been very much stuck in the middle between the Governmental bodies and the FBU and the dispute between those bodies. The FRAs have done nothing other than seek to apply the law as determined by others. The EAT has ordered that this separate appeal should be stayed until the Court of Appeal has given its judgment.

Fire Services Management Committee Update Paper

Purpose of report

For information.

Summary

The report outlines issues of interest to the Fire Service Management Committee not covered under the other items on the agenda.

Recommendation

Members are asked to note the report. Members are asked to agree to the proposal to open up session at the Fire Conference for bidding as outlined in **paragraph 14**.

Action

Officers to continue to provide updates to members.

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Fire Services Management Committee Update and Outside Bodies Paper

Government

PCCs and fire governance

1. The Statutory instrument to change the governance of Staffordshire Fire and Rescue Service has now been [published](#). This will come into force on 1 August. There have been no statutory instruments laid for the changes in governance in Hereford and Worcester, Shropshire and Cambridgeshire.
2. In April the Home Office confirmed that the Northamptonshire PCC would take on the governance of the fire and rescue service. This has not been contested locally.
3. In June the Home Office announced that the Home Secretary had approved the [transfer of governance](#) to the North Yorkshire PCC.
4. The LGA has been providing support to the FRAs affected by contested PCC business cases.

Enabling PCCs to sit and vote on Combined Fire and Rescue Authorities

5. The Government announced in mid-June that they will be bringing forward legislation to enable PCCs to be represented on their local FRAs subject to the consent of the FRA, voting rights provisions were already in place for Mets and counties so the purpose of this legislation is to bring combined FRAs into the same place. This was in response to a consultation that the Government had carried out on their proposal to vary the combination schemes of Combined FRAs.
6. 91 per cent of affected Combined FRAs agreed to the proposed amendments, with two FRAs objecting to the proposed amendments. The Government will hold an inquiry to better understand their concerns
7. The consultation response outlined a number of themes where FRAs had either actively objected or sought further information. There were some concerns around membership allowances for PCCs, membership numbers and the impact on political balance. There were also some issues around the right of a PCC to appoint a deputy to attend FRA meetings on their behalf. There were some concerns about what this would mean in practice, would the Deputy PCC have voting rights? Should they be able to speak and influence decisions?
8. The Government's response to the consultation can be found on the Government's [website](#).

Fire Standards Board

9. The Fire Minister has announced a new Fire Standards Board. The aim of the Board will be to ensure standards are nationally coordinated to a high level across the sector. It will be for the board to determine its work-plan but initial issues the Board could consider include:
 - 9.1. workforce issues like leadership and development;
 - 9.2. the identification and mitigation of risks; and
 - 9.3. fire prevention and the approach to protecting the public from other emergencies .
10. The Fire Standards Board will have membership from the National Fire Chiefs Council (NFCC), the LGA, the College of Policing and the Home Office. The revised [National Fire Framework](#) requires all FRAs to implement the standards approved through this work and the inspectorate will have regard to these standards as part of their inspections.

Inspection

HMICFRS Consultation and External Reference Group

11. Officers attended the HMICFRS Chairs and Chiefs Engagement day to hear from the pilot inspection authorities. The pilots identified a number of learning points including:
 - 11.1. Governance differences and the impact that this had on how the inspection was carried out. This was particularly true in the case of county authorities where there were different structures and different policies in place as the fire service was a part of a wider organisation. It was felt that the inspectorate had taken these issues on board but there was still further learning needed.
 - 11.2. There had been a very big focus from the inspectorate on the IRMP and how this should be understood across the organisation. The pilots felt that it would be a key consideration for FRAs in the future to think how the IRMP is seen and understood within their FRA
 - 11.3. Focus on benchmarking: the pilots noted that it was important that like was compared with like. There were very different ways across the pilots of benchmarking their work which would have an impact on how this activity was seen by the inspectorate. They had emphasised that all FRAs will be different because of communities different needs
 - 11.4. Differing pilot experiences. There was an evolution across the pilot inspection process of the HMICFRS approach.
 - 11.5. Impact on the service: Each of the services had seen an impact on the work of the service to prepare for and facilitate inspection.

- 11.6. Managing expectations: the reports from the inspection would take a number of months to be published, for example those in tranche one would not receive their reports until November 2018, when the inspections would be starting in July 2018.
- 11.7. Relationship with service liaison leads: This was the key relationship for each FRA going forward and would be the first point of contact for FRSs before the inspection started
- 11.8. Finally they concluded by saying that that the Inspectorate was willing to adapt and learn as the pilots had progressed.

Local Government Association

LGA Fire leadership Essentials

- 12. The LGA will be holding two fire leadership essentials in 2018-19. The November programme will be held at Warwick Conference Centre on 28-29 November.

LGA Fire Conference

- 13. The 2019 conference will be held on 12-13 March at the Hilton Metropole Brighton. This was available on Member's preferred dates and has got a sprinkler system. Further investigation highlighted that the Jury's Inn in Brighton was not suitable.
- 14. Following the 2018 Fire Conference we would like to open the workshop sessions out for bidding again to the sector to encourage a wide variety of FRAs to showcase their innovative work as a part of the conference. If members are happy with this approach the bidding process will be launched over the Summer.
- 15. The LGA will be publishing a short write up from the Fire Conference on our website to highlight some of the key discussions and themes from the conference.

Outside Bodies - Strategic Resilience Board

- 16. Councillor Ian Stephens and Councillor Les Byrom attended the Strategic Resilience Board at the Home Office on 24 April. The Board discussed resilience issues generally as well as specific items on the Kerslake Report into the Manchester Arena Bombing and a presentation on the response to the Novichok nerve agent use in Salisbury.

Note of last Fire Services Management Committee

Title: Fire Services Management Committee

Date: Monday 12 March 2018

Venue: The Hilton Hotel, Gateshead

Attendance

An attendance list is attached as **Appendix A** to this note

Item	Decisions and actions
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1 Welcome, apologies and declarations of interest

The Chair welcomed members to Gateshead and noted that there were apologies from Cllrs Nick Chard, Jason Ablewhite and Judith Hughes. Cllr John Robinson was present as a substitute for Cllr Hughes.

There were no declarations of interest.

2 NFCC Plan - presentation from Roy Wilsher

The Chair introduced Roy Wilsher, Chair of the National Fire Chiefs Council (NFCC), who gave members an update on the work the NFCC has carried out over the last year. This included an overview of work on the new inspectorate and standards body, as well as inspections following the Hackitt Review. The NFCC had established an action plan going forward into next year, which was designed to support FRAs to work collaboratively. The action plan covered risk assessments, advice on governance, workforce reform strategy, finance, prevention work and development of a digital strategy. Roy noted that the NFCC had been supporting the Hackitt Review and that it had representation on each of the six workstreams.

On the Professional Standards Body (PSB), Roy explained that work on this would go through the NFCC's Central Programme Office and would be supported by FRAs. He noted that there was a proposal to establish a board that would sit above the PSB, and that the LGA and NFCC would both have seats on that board. Underneath this would be a consultation group which would involve all other stakeholders. Roy advised members that FRAs would not be required to contribute any additional funding but that match funding from the Home Office had been secured and there was talk of the Home Office contributing £1.5 million per year for this work. Members were told that the paper included in the agenda pack was the start of the engagement and consultation process and Roy noted that there would also be a workshop on this subject at the LGA's Fire Conference.

Members made the following comments:

- Members raised concerns about funding and questioned how long the Home Office's commitment to £1.5 million per year would last. Roy explained that the

money had been agreed up until the next Comprehensive Spending Review (CSR) but that the Government would not be able to commit to any additional funding beyond that.

- Members noted that they had been advised that there would be an approximate £27,000 cost to each FRA for this work and they were concerned that this amount could increase. Roy explained that no additional cost burden would be placed on FRAs on top of what had already been agreed. He agreed that the new inspection regime should not impose too much of an added burden on FRAs and he noted that there would be no more than one inspection per year.
- On the inspectorate, members sought reassurance that the new regime would be proportionate and that there would be transparency in terms of future costs to FRAs. There were concerns that additional staff would need to be hired for the inspection process post-Grenfell and that while it was agreed that buildings must be inspected, that additional burden needed to come with extra resource.
- Members were keen to know how long the standards guidance would last and whether it was anticipated that there would be further changes in the future. Roy hoped that the new standards would have longevity but did note that circumstances can change and that they would be at the whim of the Government so it was not possible to give any guarantees at this stage.
- Some concerns were raised about the lack of involvement FRAs have had in developing the new standards guidance. Members felt that the LGA could be more involved in the process. Roy noted that the FSMC had a seat on the Professional Standards Body Project Board and that he fed back Members' views from FSMC meetings. Roy suggested that he could meet with the Chair more regularly between FSMC meetings if it would be helpful.

Decision

Members **noted** the presentation.

Action

Officers to arrange additional meetings between FSMC Lead Members and Roy Wilsher.

3 Fire safety in high rise buildings

Mark Norris, LGA Principal Policy Adviser, gave members an update on the continuing work around fire safety in high rise buildings and noted that the LGA had been given a position on two of the six working groups set up following Dame Judith Hackitt's interim report - the Occupation and Maintenance Group and the Residents' Voice Group.

The Occupation and Maintenance Group was looking at the responsibilities of the fire service and environmental health officers, and how to balance the conflict between fire safety orders and the Housing Act 2004. The Group was keen that when considering fire safety in high rise buildings, the building is looked at as a whole and that whoever is responsible for fire safety has the ability to exercise powers in both communal areas and inside the individual residences.

The Group was also considering whether there should be a new regulator for fire safety, what a regulator would look like and who it would be. Members were advised that the Group were considering whether a national, overarching regulator could work or whether there would be a lead agency responsible for fire safety and coordinating activity which would determine whether or not a building was safe.

In terms of the broader ongoing work, Mark noted that efforts were still being made to identify private high rise blocks with ACM cladding, but that Ministry for Housing, Communities and Local Government (MHCLG) officials had stated that there were a substantial number of blocks they have not yet been able to identify the cladding on due to the sheer number of buildings that needed to be inspected. It was also noted that there was still no clear legal guidance on the powers local authorities have in cases where the owners of private blocks were unwilling to cooperate or on who can compel owners to remove cladding if it is found to be unsafe. An additional £1 million in funding had been made available to local authorities struggling to identify the materials on some of their buildings and officers were due to meet with officials the following week to discuss how that money would be used.

Members made the following comments:

- The cost burden produced by this work was a significant concern for members and while it was acknowledged that the work would be expensive, it was not clear what the overall costs would be. Members were keen for some indication from the Government of how much the work would likely cost overall and whether additional funding would be made available to local authorities and fire and rescue services. It was felt that councils were not able to play the role they wanted to without appropriate funding.
- It was noted that obtaining information about privately owned high rises was proving difficult, particularly in relation to ownership of such buildings. It was also suggested that there was a need to look beyond just high rise buildings in terms of inspection and enforcement.
- Concerns were raised about issues with supply chains in terms of expertise and materials and it was thought that scarce resources were likely to lead to inflated costs once the private sector began inspecting buildings and replacing unsafe cladding. It was suggested that joint procurement between councils could be useful in an effort to prevent the private sector from outbidding local government in terms of the costs. On the private sector, it was also felt that there was a huge amount of funding potential in private industry and that the NFCC could perhaps lead on joint engagement between the private sector and local government.
- Members wanted to see progress from the Government in terms of guidance on which materials were safe and felt the LGA could press harder for this. It was also suggested that a national categorisation or prioritisation system could be established to ensure that the buildings most at risk had cladding removed and replaced as quickly as possible. It was acknowledged that this would not be done overnight but that the public needed to be assured that progress was being made. Members were keen that a list of questions were drawn up and presented to the Government either via parliamentary questions or engagement with MPs.
- Members welcomed the letter sent to Dame Judith Hackitt by the Grenfell Task

and Finish Group but were concerned that the FSMC's involvement in this was not strong enough. It was noted that there had been disagreements between the FSMC and the Board responsible for housing and building regulations in the past and there was a feeling that the FSMC had been side lined despite representing fire and rescue services across the country. It was suggested that the FSMC should have parity with other LGA policy boards and a better level of engagement with the Grenfell Task and Finish Group.

- In terms of a regulator, some members suggested a similar format to the HSE in the short term while a more permanent arrangement was made, and some raised concerns about ensuring that whatever the regulator looks like, it needed to have sufficient capacity and expertise to work effectively.

Decision

Members **noted** the update.

Actions

1. Officers to draw up list of questions to ask the Government on funding and resources, as well as guidelines on what sort of cladding is safe to use.
2. Officers to draft a letter from the FSMC Lead Members to be sent to the Fire Minister.
3. Officers to share action points with the Grenfell Task and Finish Group.

4 Fire Conference 2018 and 2019

Lucy Ellender, LGA Adviser, outlined the conference programme and noted that although the Fire Minister was invited, he was unable to attend. He had been invited to the next Fire Commission meeting and was provisionally holding the date in his diary.

Catriona Coyle, LGA Events Manager, summarised the proposals for the 2019 conference and sought members' views.

Members made the following comments:

- Members agreed that moving the conference to another part of the UK would be a good idea and that it could lead to the LGA having greater bargaining power.
- Members wanted to be clear that any hotel that was chosen had a fully operational sprinkler system throughout the building.
- Members were happy with the suggestion of Brighton and felt that the Jury's Inn was reasonably priced.
- Following the problems with transport experienced by delegates at the previous Brighton meeting, it was felt that some PR work may be needed in advance of the conference.

- Members did not want to change the dates of the conference as it fit neatly into an existing calendar of conferences.

Decision

Members **noted** the conference programme and **agreed** proposals to hold the 2019 conference at the Jury's Inn in Brighton, if available on the required dates and if it has a sprinkler system.

Action

Officers to proceed in line with members' views.

5 Workforce report

Clair Alcock, LGA Firefighters' Pensions Adviser, briefly outlined the updates contained in the report, noting in particular the significant increase in FRAs and Scheme Managers meeting The Pension Regulator's expectations. Clair noted that a GDPR data conference was being put on specifically for FRAs to support them ensuring their pensions data is in order, and that the two new websites had been made live.

Gill Gittins, LGA Principal Negotiating Officer, updated members on the negotiations, noting that the Fire Minister in England had given his feedback and requested additional information. Gill said that the Welsh Government was happy to engage in discussions and that the Scottish Government had already indicated funding would be available to cover national negotiations and changes they wanted to see locally in Scottish FRAs. Gill also advised members that £10,000 had been allocated to work on the Matzak Court of Justice case, and would be used to seek a QC's opinion. A sounding board would also be held to inform that work.

The following comments were made:

- The Chair of the On-call Steering Group, Terry McDermott, had welcomed the work being done and it was noted that he had a place on the Matzak sounding board.
- Members praised the work of Cllr Nick Chard and the workforce team, and the progress they had made was noted.
- Members asked what impact the additional funding from the Scottish Government would have. Gill explained that Scottish FRAs had issued a joint statement (board, management and FBU) , stating that both parties fully support the NJC and that anything involved in national negotiation would be pursued through the NJC. Local Scottish issues would be dealt with through their own local processes.

6 Outside bodies - oral update from members

Members gave the following updates:

- The first meeting of the cross-party Sprinkler Working Group had been held and it was agreed that despite the title, other fire suppression measures would

also be considered by the group. An update on the Group's work would be given at the next FSMC meeting in June.

- Members were keen for the Chair to write to the facilitator of the Fire Leadership Essentials programme, Mark Mower, to thank him ahead of his retirement.
- Cllr Simon Spencer noted the work carried out by the On Call Firefighters Steering Group and said that a good recruitment campaign had been established. He noted that some campaign videos were being planned and that they would be a useful tool for all FRAs.
- A conversation was had about the inspection regime and how the main focus of the regime was on the operation of FRSs rather than governance. Members asked where the review of political governance fit into the inspection regime and whether any progress had been made in terms of LGA peer reviews. It was suggested that it would be useful to see the finalised methodology of inspections by HMICFRS before pursuing peer reviews but that as the pilots begin, the group would be re-energised. It was felt that governance shaped operation so there were some concerns about the inspection regime not taking an overall view of how an FRS operates. Charles Loft, LGA Senior Adviser, said that the Peer Review Working Group would be re-established once the results of the initial pilots had been made available.

Decision

Members **noted** the update.

Action

1. Officers to draft letter to facilitator Mark Mower .
2. Officers to proceed as directed on the Peer Review Working Group.

7 Fire Services Management Committee update and outside bodies paper

Members **noted** the update paper.

8 Minutes of the previous meeting

Members **agreed** the notes of the previous meeting as an accurate summary of the discussion which took place.

Appendix A – Attendance

Chairman	Cllr Ian Stephens	Isle of Wight Council
Vice-Chair	Ms Fiona Twycross AM	London Fire and Emergency Planning Authority (LFEPA)
Deputy-chairman	Cllr Rebecca Knox	Dorset and Wiltshire Fire and Rescue Service
	Cllr Keith Aspden	North Yorkshire Fire & Rescue Service
Members	Cllr John Bell	Greater Manchester Fire and Rescue Authority
	Cllr Mark Healey MBE	Devon and Somerset Fire and Rescue Authority
	Cllr Simon Spencer	Derbyshire Fire and Rescue Authority
	Cllr David Acton	Trafford Metropolitan Borough Council
	Cllr Les Byrom CBE	Merseyside Fire and Rescue Authority
	Cllr John Edwards	West Midlands Fire and Rescue Authority
	Cllr Kevin Dodds	Gateshead Metropolitan Borough Council
	Cllr John Robinson	County Durham and Darlington Fire and Rescue Service
Apologies	Cllr Jason Ablewhite	Huntingdonshire District Council
	Cllr Nick Chard	Kent and Medway Fire and Rescue Authority
	Cllr Judith Hughes	Kirklees Metropolitan Council
In Attendance	Roy Wilsher	NFCC
	Steven Adams	Home Office/NFCC

LGA location map

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Website: www.local.gov.uk

Public transport

18 Smith Square is well served by public transport. The nearest mainline stations are: Victoria and Waterloo: the local underground stations are

St James's Park (Circle and District Lines), **Westminster** (Circle, District and Jubilee Lines), and **Pimlico** (Victoria Line) - all about 10 minutes walk away.

Buses 3 and 87 travel along Millbank, and the 507 between Victoria and Waterloo stops in Horseferry Road close to Dean Bradley Street.

Bus routes – Horseferry Road

507 Waterloo - Victoria

C10 Canada Water - Pimlico - Victoria

88 Camden Town - Whitehall - Westminster - Pimlico - Clapham Common

Bus routes – Millbank

87 Wandsworth - Aldwych

3 Crystal Palace - Brixton - Oxford Circus

For further information, visit the Transport for London website at www.tfl.gov.uk

Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also available at 18 Smith Square. Please telephone the LGA on 020 7664 3131.

Central London Congestion Charging Zone

18 Smith Square is located within the congestion charging zone.

For further details, please call 0845 900 1234 or visit the website at www.cclondon.com

Car parks

Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park
Horseferry Road/Arneway Street. Visit the website at www.westminster.gov.uk/parking

